

21/01464/REM

Applicant Peveril Homes and Stagfield Group

Location Central Works Depot Abbey Road West Bridgford Nottinghamshire NG2 5NE

Proposal Reserved matters application pursuant to outline permission 19/00678/OUT to seek approval of the appearance, landscaping, layout and scale for residential development comprising 71 new homes.

Ward Abbey

THE SITE AND SURROUNDINGS

1. The site has an area of 1.9ha and was previously used primarily as the Borough Council's depot for the storage of refuse freighters, vehicle maintenance and the storage of some recyclables including glass bottles. There were a number of buildings on the site that were used as vehicle workshops, offices, canteen and stores. The refuse collection/recycling operations were relocated to another site within the City, but remain a function of the Borough Council. The site itself is broadly rectangular in shape and is situated in a predominantly residential area of West Bridgford with the majority of properties having been constructed in the interwar period.
2. To the north of the site are houses and a small parade of shops serving the surrounding residential neighbourhood. There are allotments and residential properties to the immediate east of the site, residential properties built in the 1950's/60's on Buckfast Way and a primary school (Abbey Road) to the south and further interwar residential properties to the west, beyond the footpath that runs along the immediate western boundary of the site. The main access to the site is from Abbey Road, at its junction with Eltham Road, with a secondary access from Buckfast Way. The site is predominantly flat, hard paved and all buildings and structures, up to two storeys high, including a former Victorian water pump house have been removed. The site is entirely within Floodzone 2 and predominantly within Floodzone 3.

DETAILS OF THE PROPOSAL

3. Outline planning permission was granted in September 2019 under planning reference 19/00678/OUT for the demolition of existing buildings, residential development with associated infrastructure and access points from Abbey Road and Buckfast Way (outline with all matters reserved except access).
4. On the outline permission the submission and supporting documents illustrated a proposed development of up to 76 dwellings, which gave a gross density of approximately 40 dwellings per hectare. The illustrative masterplan was designed to comprise a mix of flats and linked properties of 1, 2, 3 and 4 bedrooms with supporting information showing a range of private amenity spaces in the form of ground and upper floor terraced areas.

5. Reserved Matters is now sought for the details of the residential development of the site that were reserved by condition 2:

- a) The layout of the development including internal access, parking and maneuvering arrangements, plot boundaries and the position of all buildings, structures and open space including bin and waste storage provision;
- b) the scale of each building proposed in relation to its surroundings.
- c) The appearance of all buildings and structures of the development as well as sections and cross sections of the site including roads and footpaths; and
- d) the landscaping of the site including the treatment of public and private spaces through hard and soft measures.

6. Condition 3:

The details submitted for approval of reserved matters in relation to the hard and soft landscaping of the site shall include the following:

- a) the treatment proposed for all ground surfaces, including hard areas;
- b) full details of tree planting;
- c) planting schedules, noting the species, sizes, numbers and densities of plants. (Including measures to provide habitat enhancements including: the use of native fruiting species within landscaping, the retention and gapping up of hedgerows, creation of new hedgerows, retention of mature trees, and the use of bat and bird boxes/tubes);
- d) finished levels or contours;
- e) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
- f) details of all boundary treatments including height, design, location, materials and finish;
- g) details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken;
- h) details of how the landscaping scheme will be phased; and
- i) a landscape management plan and schedule of maintenance.

7. Condition 25:

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

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

8. The proposal seeks detailed permission for 71 dwellings, including 30% affordable housing comprising 21 units, of which 16 would be apartments (4 two bedroom and 12 one bedroom) and 5 shared ownership two bedroom

houses. Overall, the development equates to 37dph which is within the parameters of the outline permission. Vehicular access to the proposed development would be via a new access from Abbey Road at the north west end of the site and a new access from Buckfast Way at the south of the site as approved on the outline permission.

9. The supporting statement accompanying the submission advises that; *“The design and layout is sympathetic to the existing locality yet creates a contemporary and high-quality new urban environment which encourages walking and cycling to local facilities.*
10. *The scheme incorporates the following specific elements sought in the Design Code:*
 - 1) *High-quality landscaping and tree planting including a central green public space and additional shared communal green space around the apartments.*
 - 2) *Increase in the ecological biodiversity of the site.*
 - 3) *Homes constructed using a varied external materials palette to produce a locally sympathetic yet modern high quality external appearance.*
 - 4) *Homes which will be highly energy-efficient and incorporating a range of sustainable energy measures to achieve a reduction of between 50-70% of carbon emissions.*
11. *The scheme also achieves compliance with all technical requirements including:*
 - 1) *Improved highway access arrangements at the Abbey Road and Buckfast Way junctions, internal road design to reduce vehicle speeds, on plot parking and inclusion of high quality pedestrian routes.*
 - 2) *Required flood risk mitigation measures, including stipulated floor levels.*
 - 3) *Detailed surface and foul water drainage management to full adoptable standards.”*
12. The submission also advises that the scheme has been formulated to incorporate features promoted in the Building for a Healthy Life Design Code that seeks to help improve the design of new and growing neighbourhoods.
13. The application is supported by the following documents:
 - Cover Letter
 - Abbey Road Site Location Plan
 - 3573-103 O Proposed masterplan
 - 3573-106 D-Hard Surfacing & Energy strategy
 - 3573-107 C-Unit Mix and Affordable Housing
 - 3573-108 C-Street Elevations 1
 - 3573-109 C-Street Elevations 2
 - 3573-111 B Materials Board Details
 - 3573-201 J-Housetype GAs - House Type A
 - 3573-202 J-Housetype GAs - House Type B
 - 3573-203 J-Housetype GAs - House Type B
 - 3573-204 J-Housetype GAs - House Type B
 - 3573-205 I-Housetype GAs - House Type C

- 3573-206 I-Housetype GAs - House Type C
- 3573-207 H-Housetype GAs - House Type D
- 3573-208 C-Housetype GAs - House Type D
- 3573-209 C-Housetype GAs - House Type E
- 3573-210 C-Housetype GAs - House Type E
- 3573-211 D-Housetype GAs - Apartments Block 1
- 3573-212 C-Housetype GAs - Apartments Block 2
- 3573-213 D-Housetype GAs - Apartments Block 2
- GL1535 01A Detailed landscape Proposals
- S38 Agreement Plan
- ARWB-BSP-ZZ-XX-DR-C_0100-P02_s38 Stopping up 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0101-P01_s38 Stopping up 2 of 2
- ARWB-BSP-ZZ-XX-DR-C_0105-P02_SPA Refuse Vehicle
- ARWB-BSP-ZZ-XX-DR-C_0110-P03_S38HA and setting out 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0111- P03_S38HA and setting out 2 of 2
- ARWB-BSP-ZZ-XX-DR-C_0120-P03_S38 Longitudinal Sections 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0121-P03_S38 Longitudinal Sections 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0130-P03_S38 Construction Layout 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0135-P01_S38 Construction Details
- GL1535 – Landscape management Plan
- Landscape and Ecology Management Plan

14. During the course of the application further documents were provided to seek to address matters raised by consultee responses and representations, these were received on the 1 September 2021. Due to the nature of the changes made consultation was undertaken with those that adjoin the site and relevant consultees only. The changes included the following:

- Additional Supporting Statement covering matters raised relating to the reserved matters application including:
 - Loss of trees and green space on Abbey Road Frontage
 - Housing numbers, density and impacts on infrastructure/social facilities
 - Design and height of building, overlooking and three storey properties
 - Traffic generation, access, congestion and highway safety
 - Public footpath closure
 And other details in relation to:
 - Green credentials and need for carbon neutrality
 - Accessibility of affordable homes
 - Boundary fencing, tree planting and landscaping
 And technical matters raised by consultees relating to:
 - Technical and design response
 - Highway matters/ internal Road Design
 - Landscaping and Open Space
- Sustainability and CO2 Saving document
- Golby and Luck Landscape management Plan Revision B 27.8.2021
- Ramm Sanderson Landscape and Ecological Management Plan RSE_4660_R1_V5_LEMP September 2021
- Updated plans, including masterplan, elevation plans, landscape plans, sections etc

15. Further amended plans were received on the 21, 22 and 23 September updating plans to incorporate further consultee requests. Consultation was undertaken with the consultees directly.
16. In summary, the following amends and comments for the RM application are:
 1. Paved visibility splay areas have been added at the request of Highways - corner of Plot 68 and to the central green area. This was applied across all relevant drawings.
 2. Replacement Tree – This was on the submitted plan but a note has now been added to the drawing to clarify the replacement tree.
 3. Landscape officers' comments on maintenance regimes are already referenced in the landscape management plan.
 4. Minor amendment to the CMS (Condition 11) to revise the working hours for the site on a Saturday, confirming no noisy work will commence before 8am.
 5. Minor changes to create forward highway visibility by reducing heights of hedging and railings on drives.

SITE HISTORY

17. The most relevant planning history is listed below:
 - 20/00334/DEMOL - Demolition of existing workshops, office, old pumping station, portacabins within site. To make way for proposed residential scheme. Granted 11 March 2020.
 - 19/00678/OUT - Demolition of existing buildings, residential development with associated infrastructure and access points from Abbey Road and Buckfast Way (outline with all matters reserved except access). Approved 18 June 2019.
18. The site has an extensive planning history, however as the Borough Council have previously used the site as its central depot from 1976 until May 2019, the below history entirely relates to that usage:
 - 12/01745/FUL - Siting of two portacabins for use as an operations office and training room – approved December 2012.
 - 91/01212/A1P - Conversion of pump house to offices (Gen Regs 4) – approved March 1992.
 - 91/01208/A1P - Conversion of pump house to offices (Gen Regs 5) – approved March 1992.
 - 88/01030/A1P - Single storey office building with basement – approved October 1988.
 - 88/01029/A1P - Construction of 2 garage blocks – approved October 1988.
 - 82/03281/HIST - Erect timber amenity block – approved July 1982.

- 76/03014/HIST - Pre-fabricated office accommodation – approved July 1976.

REPRESENTATIONS

Ward Councillor(s)

19. One Ward Councillor (Cllr Gowland) Objects. *“I strongly support the provision on green housing and social green housing on this site.*
20. *THESE SHOULD BE ZERO CARBON HOUSES. We should be aiming for a luminary estate, not just more houses. Please modify the proposal to avoid putting the 3 storey blocks of flats overlooking current houses on Buckfast Way, Abbey Road (or Eltham where I believe the land on the depot site ground level is raised relative to the neighbouring gardens and houses, potentially making overlooking and shadowing worse). They would be much more appropriate overlooking the allotment. Clearly flats are occupied most of the day and so overlooking of neighbouring properties is more of a problem than in say an attic bedroom. There will also be considerable massing on the junction of Buckfast Way. They should be located to avoid overlooking and loss of light on Eltham, Mayflower, Abbey and Buckfast.*
21. *The rerouting of the enclosed path will cause a loss of freedom to children who currently run alone along that path. For this reason I ask that there are no fences or gate posts on the front gardens of any new house facing onto the road through the new estate to make it as safe as possible for little children walking through, to allow them to retain some freedom. I ask that this is included as a condition in the deeds. Can the road through the estate be chicaned (like Arkwright Walk is now).*
22. *Can the mature tree on the site be retained?*
23. *Parking and traffic is a significant problem in this area because of the two schools. The additional cars from the new estate risk grid lock. We need subtle traffic calming on Abbey and Buckfast, yellow lines and parking monitoring on Abbey and Buckfast, a zebra crossing on Abbey and probably we will need traffic lights on Davies Road. Linked to this has traffic modelling included the possibility of making the estate no through road? This may increase local traffic but it could also reduce it. All houses should have bike parking at the front not the back of the houses, and there must be bike parking for the flats.*
24. *There are not lifts for the flats so there can be no visitors in wheelchairs.*
25. *Please use materials that are more sympathetic to the area.*
26. *If the ground level on the site is higher than Eltham can a drain be included along that boundary to avoid ground water running off new hard standing into the neighbouring gardens.”*
27. Cllr Gowland also comments on behalf of *“two residents of the Estate who do not have easy access to the plans. They say that they want to retain the trees and greenery in the area. They were very cross about the loss of the pumping station at the start of lockdown. They were also worried about loss of trees,*

increased traffic on Buckfast Way, and massing and overlooking from the tall buildings near the junction”

28. One Ward Councillor (Cllr Bushman) raises no objection
29. In respect of the consultation on revised plans:
 - Cllr Gowland – *“As far as I can tell the changes are quite small. I maintain my objection.”*
 - Cllr Bushman – No objection

Statutory and Other Consultees

30. The Environmental Health Officer advised that *“We have no comments to make in respect of the reserved matters application. We look forward to receipt of information pertaining to the environmental health related conditions attached to planning permission 19/00678/OUT in due course.”*
31. The Landscape Officer advised that *“The site has 3 prominent trees, the highway Lime, the removal of which was agreed at outline stage to make way for the proposed access and the 2 pollarded Poplar trees alongside the Abbey Road entrance to the former depot. My comments at the outline stage still apply to these Poplars:*
32. *The Poplars are considered to be BS5837 category B, “trees of moderate quality with an estimated remaining life expectancy of 20 years.” These have been pollarded in the past due to their large size and the trees will need to be re-pollarded on a cyclical basis as the new growth will have relatively weak attachment points. If the trees were retained they would need to be pollarded again in the near future and this would return them to being little more than a trunk with a scaffold of short limbs, but they would recover over the coming 2-3 years. At present the trees are located on derelict land and they have been allowed to grow much larger than would be appropriate if they formed part of as residential development or publicly accessible land, this is due to the fact that the attachment points of pollarded growth is weaker than a natural branch and is prone to failure. For this reason I don’t believe they would be suitable for inclusion within the design as they would need regular pollarding which would restrict their size and amenity value.*
33. *The design allows for 43 new trees to be planted so there will be a considerable net gain in the number of trees. Most of the replacement trees are appropriate, however, a resident has contacted me about the proposed Lime trees in the north east corner of the site, these are large growing specimens (Limes) and they will be due south of the gardens on Eltham Road and could cause issues such as overshadowing. Smaller growing species in this location are likely to be a better long term option where they can grow to maturity without the need for regular pruning.*
34. *A fastigate Tulip tree is proposed on the junction of Abbey Road and Eltham Road to the north of plot 71, I think I would prefer to see an additional one of these, or something similar, to the south of plot 70 instead of the 2 specimen shrubs, this will allow more tree planting to be focused close to where the Poplars and Lime will be removed at the entrance to the site.*

35. *I've been dealing with the proposed footpath diversion and a small number of comments have been made in relation to visibility along the proposed route which will follow the western pavement through the site. I note that in front of the flats and in front of plots 46-50 Prunus lusitanica hedging is proposed. This is a really nice hedging plant and I can see why it would have been selected, but it can ultimately be quite a large growing shrub and using one of the lower growing laurels might ensure that there is less chance of the shrubs obstructing views along the route if the future occupiers didn't cut it regularly. I would therefore suggest the use of Prunus laurocerasus 'Otto Luyken' in this situation.*
36. *The footprint of development extends beyond the old boundary of the depot on the wide grass verge resulting in a loss of a section of native hedgerow and 3 category 'U' trees which would need to be removed whether or not development takes place and a category 'C' Ash tree. 2 Malus trees are proposed on the southern boundary along with a Laurel hedge. In wildlife terms a native mixed species hedge would be the preferred replacement hedge, but in terms of what is likely to be the most appropriate hedge for pedestrians and the future occupier of the flats the proposed laurel hedge is likely to be preferable as it won't have thorns and will provide year round screening. I think on balance I'm willing to allow the use of the Laurel on this occasion.*
37. *I made reference to the trees alongside the properties on Eltham Road below, the resident has a valid point in that the proposed Limes are very large growing, but I would hope that he would accept a smaller growing tree, something with a compact canopy. I don't have the site layout plan in front of me, but these trees will not be particularly prominent so smaller trees, or perhaps 3 instead of 4 wouldn't be a big issue.*
38. *The pollarded Poplars have been allowed to grow much bigger than we would have allowed if the site was occupied and being used. There was talk of a payment being made to NCC to cover replacement planting for the Lime? We did discuss options for more tree planting along Buckfast Way, but this would be separate to the planning application and nothing is planned at present.*
39. *Management Plan: The landscape management plan suggest amenity grass cutting from April to September, at Rushcliffe we carry out monthly cuts from March to November so I would like to see the timeframe expanded at least into October and I would also like the frequency between cuts to be detailed, once a month would be sufficient. The alternative method of specifying cuts would be to add a maximum permitted length of grass such as 75mm."*
40. *In relation to revised information the officer noted that the tree in the northern corner is now labelled as the replacement tree. It's a tulip tree, the fastigiate version of the tulip tree, this means it won't outgrow its location, but will still reach a decent height. It would make an attractive feature in a prominent location.*
41. *The species and numbers of specimen shrubs remains the same, there seems to be a slight increase in the number of shrubs and grasses. They are now proposing some form of visibility splay on one road corner which reduced the hedge planting slightly. The reason for the increase in shrubs is a slight redesign of the central open space, which on the southern edge loses some grassed areas to be replaced with hard paving and shrub beds – this looks fine*

to me. The number of trees in this location remains the same. Overall, the officer is still happy with the landscape scheme.

42. In respect of the Management Plan litter picking, hard landscape and street furniture maintenance are down for monthly inspections on this version and the officer is satisfied with it.
43. The Sustainability Officer advised that; *“In relation to the landscape plans provided, in general these appear to be satisfactory, however I recommend the following be adopted:*
44. *i. The tree and shrub selection is based on those recommended on the council's website at <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/fourcharacterareas/>. In particular I recommend in amenity areas such as the area to the North of plot 69 and 49 Abbey Road, the central green space, south of plot 62 and south of plots 36-45 and plots 30-35, only these species should be used - they should also be locally sourced and provenance wherever possible.*
45. *ii. The amenity grassland north of plot 69 and 49 Abbey Road, south of plot 62 and south of plots 36-45 and plots 30-35, uses flowering lawn seed as is selected for the central green space.*
46. *iii. In the Landscape Management Plan, spraying herbicide around the tree bases should cease once the trees are established, except for spot treating pernicious weeds, and the grass allowed to establish and grow tall within a 500mm radius of the stem, with a clean mown edge outside that radius. Hedgerows likewise once established should be allowed to develop ground flora and the use of herbicides should cease except for spot treating pernicious weeds.*
47. *I note that condition 16 of planning permission 19/00678/OUT requires a bat-sensitive lighting scheme should be submitted and approved in writing by the local planning authority, this issue is therefore not considered here.”*
48. In respect of revised information, the officer advised that they were now satisfied with the amenity grassland proposals and that they noted that some of the proposed amenity trees follow our guidance, but that *Betula Pendula* and *Betula nigra* is proposed, which are not included in this list. The officer also notes the recommendation to limit herbicide use following establishment of trees has been included in the management plan and has confirmed that they are therefore satisfied with the management plan.
49. The Conservation Officer advised that there are no designated heritage assets either within the site or within the vicinity which might have their settings impacted upon by the proposed development and on the consultation of revised information the officer maintained their position.
50. The Waste and Recycling Officer provided standing advice.
51. The Strategic Housing Officer advised that; *“The site lies within the ‘West Bridgford’ housing submarket area. Under Policy 8 (Housing Size, Mix and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy we would therefore*

seek the provision of 30% affordable housing on the site.

52. *Based on an overall scheme of 71 dwellings, this would equate to 21 affordable units.*
53. *The level of provision is evidenced in the Nottingham Core Strategic Housing Market (SHMA) Needs Update (2012). The reserved matters application contributes 21 affordable units, in accordance with Policy 8.*
54. *As indicated by the SHMA update, Core Strategy paragraph 3.8.9 states that 42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. This equates to 9 intermediate units, 8 affordable rent and 4 social rent units.*
55. *As previously advised on the outline planning application (dated 9 May 2019), on a standard S106 site, a model produced as part the SHMA 2012 update is used to generate the required mix of house types for each of the tenure types. This assumes an average scenario for each site, one that involves all house types (houses, bungalows and apartments). It does not take into account specific site characteristics that may restrict the types of dwelling that are considered appropriate. It is therefore not appropriate to use this model in all instances. For example, brownfield sites may be more restricted in terms of size and layout which limits the range of appropriate house types. Other schemes for apartments would likewise not be appropriate for input into the model. Accordingly, in this instance the model outputs have not been applied as it involves apartment accommodation and addresses demolition, remediation and site contamination issues that are a consequence of the site's long term industrial uses.*
56. *Applicant's affordable housing proposed mix:*

| | Rent | Intermediate |
|--------------------|-------------|---------------------|
| <i>1 bed flat</i> | 16 | |
| <i>2 bed house</i> | | 5 |
| Total | 16 | 5 |

57. *The applicant is proposing 16 x 1 bed rented flats and 5 x 2 bed intermediate (shared ownership) houses. Ordinarily, a more balanced mix of house types would be sought and would involve a request for larger houses and bungalows, however given the site remediation issues, the delivery of 1 bed flats and 2 bed house types is acceptable.*
58. *Regarding the tenure mix, within advice on the outline planning application, Strategic Housing raised concerns that 9 of the previous 21 flats would be shared ownership and that these may not be desirable in the current market. These shared ownership flats have been replaced by 5 x 2 bed shared ownership houses. Although, as a result, there are less shared ownership properties than required within Council's tenure split (9) the change to 5 x 2 bed houses is welcomed.*
59. *The rented element does not distinguish between affordable rent and social rent as required by Policy 8. However, as the rented units are intended to be accommodated in three apartment blocks, it would be possible to provide both Affordable Rent (10 within the two eastern blocks) and Social Rent (6 within*

the western block).

60. *The intermediate dwellings should be sold at 50% or less of the open market value to ensure that they are affordable having regard to local incomes and prices. The dwellings should be provided through a Registered Provider or through another appropriate mechanism which ensures that the dwellings remain affordable.*
61. *An Affordable Housing Scheme that identifies the Registered Provider and includes a plan showing the layout of affordable units by type and tenure should be submitted to and approved by the Council before commencement of development.*
62. *The provision of 30% affordable housing on this site will assist the Borough Council in meeting its strategic aims to address housing need in the Borough whilst reducing the number of households in temporary accommodation by increasing the supply of permanent affordable housing.”*
63. *Based on the revised information the officer advised that the provision of 16 x affordable rent - 4 x 2 bed and 12 x 1 bed apartments and 5 x shared ownership – 2 bed houses is acceptable.*
64. *The Environment Agency commented that; “We have no objections to the application and look forward to being consulted on information submitted by the applicant to support the discharge of the conditions which we requested be attached to planning application 19/00678/OUT.”*
65. *Severn Trent provided advice regarding sewerage are as follows: “Foul is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to connect into the public surface water sewer, which will be subject to a formal section 106 sewer connection approval.*
66. *Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.*
67. *For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).” They suggested an informative regarding a public sewer that crosses the site.*
68. *Nottinghamshire County Council as Lead Flood Risk Authority raised no objection and recommended the approval of the reserved matters application.*
69. *The officer maintained their view on the reconsultation, however they also advised that; “Any surface water management conditions on the outline*

approval will still require discharging.”

70. Nottinghamshire County Council Archaeology Officer advised that; *“Provided that the works detailed in Condition 21 of 19/00678/OUT are carried out as detailed in the WSI to the written satisfaction of the LPA I have no further comments to offer.”*
71. The officer advised the same in respect of the further consultation.
72. Nottinghamshire County Council as Highways Authority advised that; *“The principle of residential development has already been established by application reference 19/00678/OUT which gained outline permission to serve the site with two points of access from Abbey Road and Buckfast Way.*
73. *Whilst comprehensive details have been provided to show how the new road layout will be constructed, they have not yet been submitted for S.38 design checks. We advise permission is withheld until the S.38 technical approval has been issued. The following comments apply to the layout only.*
74. *Drawing number 103 revision O shows the existing site access at Eltham Road will be closed, with a new footway link across the frontage. The access is currently adopted highway and will therefore need to be “stopped up” under s.247 of the Town and Country Planning Act 1990, whereby control reverts back to the landowner. The area of land to be “stopped up” should however extend up to the back edge of the footway. The submitted details will need to be amended to reflect this. It should be pointed out that works are not allowed to take place within the area of land to be “stopped up” until the process has reached a favourable conclusion.*
75. *The same drawing shows the new access road will measure 5.5m in width with 2m wide footways on both sides. We would question the need for raised tables to be incorporated into bends as drivers will already be slowing down on the approach to these features. Furthermore, the lack of segregation between footway and carriageway increases the likelihood of vehicles being driven over the footway if two-way flows are restricted. If there is a desire to retain these speed reduction measures, then track templates will need to demonstrate how two-way flows between a refuse wagon and car can take place simultaneously without any deviation away from the carriageway. The same exercise should be undertaken through the kink fronting plots 4 and 29 which turns more than 10 degrees.*
76. *Forward visibility splays of 25m have not been annotated on any of the bends but need to be provided.*
77. *There is a risk of vehicle conflicts between drivers entering/exiting plot 58 and passing through traffic. Visibility for drivers should be maximised in this location by ensuring the landscaped area to the front of the dwelling does not exceed 0.6m in height.*
78. *The parking associated to plots 25 to 29 scales between 10.2 and 10.5m in length. When allowing for an element of separation between the vehicles and building, we would expect a driveway length of at least 11m. The plots should therefore be nudged back to prevent vehicles overhanging the public highway.*

79. *Similarly, any parking that is bound by a wall/fence/hedge or similar should be increased by 0.5m on the affected side. The hedgerows within the parking area for the flats should be repositioned to maximise the space.*
80. *The parking space that fronts the garage at plots 18 and 58 measure 5.9m in length. The garages must therefore be fitted with roller shutter doors.*
81. *No details have been submitted to establish how the highway tree on Abbey Road will be removed. The access cannot be formed until the means of removal have been agreed.*
82. *Footpath 43 will effectively be absorbed within the rear curtilage of adjacent dwellings. Although my Rights of Way Officer is strongly opposed to the loss of the footpath, the alternative routes do not materially change origin/destinations and present no safety issue. Although our preference is for the footpath to be retained and improved, should this not transpire then it will need to be extinguished under S.257 of the Town and Country Planning Act 1990. No works are allowed to take place along the alignment of the footpath until this process has been successful. A plan to show the removal of the footpath should be submitted for assessment.*
83. *The private drives serving plots 21 to 24, and 51 to 57 effectively create a crossroads. This type of junction increases the likelihood of vehicle conflicts when drivers incorrectly anticipate who has priority. However, the nominal amount of traffic generated from the drives is such that it is unlikely to result in a highway safety issue.*
84. *The location of the speed table leaves a distance of approximately 80m to reach Buckfast Way which will encourage speeds in excess of 20mph. Rather than revise the layout, we would not raise an issue to the arrangement on the proviso of the table being extended between plots 24 and 51.*
85. *Plots 21 to 24, and 51 to 54 front a private driveway. The number of plots served on these drives are such that a management company should be secured via S.106 so that the future occupiers are not burdened with the financial costs of maintaining them, and to protect the Highway Authority from future petitions to adopt the drives under S.37 of the Highways Act. We would advise that permission be delayed until the S.106 has been signed."*
86. *Following a review of the additional information provided (1 September), the officer advised that "it is noted that the following points are still outstanding:*
- An amended plan is required to detail the extent of highway to be "stopped-up" to include the land extending up to the back edge of the footway. The highway to be retained must safeguard sufficient visibility for the adjacent Eltham Road junction.*
 - The land forming the forward visibility splays at the bends within the development must be included within the future adopted public highway. The layout plans should be amended accordingly.*

It is recommended that the application is deferred to enable the applicant to submit the further information detailed above."

87. After further information was provided 21, 22 and 23 September, the officer confirmed that they had no objection to the proposal and suggested a number of conditions and informatives.
88. Nottingham Clinical Commissioning Group requested Section 106 funding for the provision of Primary Healthcare in the sum of £65,320 (£920 per 2xbed dwelling) for the 71 dwellings proposed.

Local Residents and the General Public

89. 87 Representations were received on the original submission (80 object, 3 x neutral, 4 support) the comments can be considered to fall under the following:

90. Principle/ consultation

- a. Houses should be built somewhere else in West Bridgford.
- b. Ill thought-out scheme and one that has already caused outrage in the community. Be prepared for a battle over this one.
- c. This site would be an excellent site for a new secondary school in the very centre of the community instead of the proposed site on a flood plain, at the edge of the catchment area, across a main road. There doesn't seem to be any joined up thinking.
- d. Who are houses being built for?
- e. Happy for this area to be redeveloped for housing.
- f. Could have been a sensible development of 2/3/4 bedroom houses of a good size with reasonably sized gardens but current proposal represents overdevelopment, with negative consequences not just for the people living there but on many of the neighbouring properties as well.
- g. With the loss of the Victorian Pump House, development should add something back, instead the current scheme proposes housing packed in to a small space and not in keeping with the dwelling types in the local area, and important trees and wildlife refuges being proposed for destruction.
- h. Proposal does not make use of site's key features (mature trees and existing access routes), proposes the felling of mature trees, and has proposed out of character 3 storey dwellings with flats overlooking existing residents – scheme could be redesigned in many ways, including redesigning/reducing the number of houses.
- i. Travesty that the borough council sold the land and sad that the historical buildings on the site were demolished.
- j. Little consultation over proposals.

91. Highway safety

- a. Two properties access direct from Abbey Road junction.
- b. There is a need for bike storage in the apartments. There is no consideration for cyclists. All new developments should incorporate facilities for cycles.
- c. Currently access to the back of the garages via the existing Abbey Road Depot site. Access to the rear of the garages would be required for maintenance access.
- d. Increase in traffic, parking, speed and level of traffic on Abbey Road is already a concern, given that there are two primary schools at the end

- of the road, with many, many children having to use Abbey Road as the only way that they can reach school.. Surely this is an accident waiting to happen?
- e. Nature of the proposed access to/from Abbey Road. Would exacerbate existing traffic issues, including speed of vehicles in area where children are walking to school. Adding a new junction as proposed seems likely to add a new level of risk.
 - f. Regardless of whether the area around this new junction has parking restrictions or not, new housing is likely to add parking pressure on the already crowded local streets.
 - g. Has consideration been given to ensuring that the current daily parking where the new entry road from Abbey Road is planned will be controlled by yellow lining and if so up to what distance from the actual junction.
 - h. Already congestion in the area with workers and shoppers from town parking in the area.
 - i. The increased traffic flow will cause further issues in and around Buckfast Way for pedestrians and for the elderly residents of the Community housing.
 - j. The roads in the development are to be very narrow causing parking issues that will spill onto the already busy existing roads. The additional traffic from so many houses will have a significant impact on noise levels, pollution and the health and safety of the local people in particular the many children that use the route to access the 2 primary schools at the end of Abbey Road.
 - k. The number of dwellings will lead to a large number of cars which will cause significant additional congestion in Abbey Road, which is already very congested between the former depot entrance and Davies Road.
 - l. Consideration should be given to introduction of measures to address traffic problems in the area.
 - m. Private(service) road at the rear of Abbey Road properties only serviceable to these properties, should not be any infringement i.e. gates etc.
 - n. The through road will create considerable issues. It will increase parking during school drop off and pick up times, especially with the loss of the enclosed public footpath many parents will choose to use the car over walking as they will no longer feel safe with children on a footpath crammed with parked cars.
 - o. No reason why a new access road needs to be built to accommodate these houses - the existing one was good enough for bin lorries scores of times a day, and other utility vehicles.
 - p. Abbey Circus used as a cut through for vehicles coming from the original council depot, increased volume of residences on the same site will create an unacceptable larger volume of vehicular traffic on the road and reduction in on-street parking availability for residents of Abbey Circus due to overflow from the new development.

92. Footpath/PROW

- a. Route of the public path between Abbey Road and Buckfast Way exposes parents and young children to a greater risk of injury and to higher levels of pollution as a result of being along a pavement with a road adjacent, rather than being wholly dedicated to pedestrian access with no vehicular presence (as is the case with the existing route).

- b. Having the alleyway is so much better than having to walk through the estate, the route is heavily used.
- c. the loss of the enclosed footpath even for a year will create discrimination for those less able bodied. Meaning their journey times to Central Avenue, the main shopping area, will increase by at least 15 minutes, and on certain days they will be forced to travel down the very busy traffic congested Abbey Road as the pavements are blocked with bins and cars, as well as overgrown shrubs, trees and hedges.
- d. This is a key route used by children on their way to and from school and agree with Cllr Gowland in relation to the need to make any route change as safe as possible.

93. Landscape/loss of trees/wildlife

- a. Disappointing application that has not made use of the existing site's key features (mature trees and existing access routes) proposes the felling of mature trees.
- b. The current level of new tree planting and the use of bird boxes is not an adequate substitute for the damage that will be done to currently established vegetation.
- c. Ecological impact of the current plans.
- d. Impact and potential conflict arising from existing trees in neighbouring properties from location of new houses.
- e. Proposed tree planting would adversely impact light and amenities of neighbouring properties.
- f. Two current green public areas on Abbey Road and Buckfast have been cordoned off to be included in the development. They are not part of the depot and should be left as they are.
- g. The small patch of grass and mature trees where the new junction is situated will be lost. Replacing a little oasis of green with a road/building is a real shame. Should we not be protecting the small amount of green space we have?
- h. Chopping down mature trees at expense of the proposed housing.
- i. This area is a 'leafy' area with good green space but both the trees and green spaces are under constant threat due to the desire to build houses. It is vital that the 'leafyness' remains.
- j. Site should be turned into a green space.
- k. The site is bounded by a mature hawthorn hedge alongside Buckfast Way and contains within its boundaries several mature trees. Removal of these features would have adverse impact on biodiversity and birds that use them. Replacement planting is inferior.
- l. The movement of the access road does not allow any additional properties to be built on the land, it seems only to serve the purpose of giving a reason for the felling of the trees.
- m. Proposals to plant 3 million trees to celebrate HM Queen's platinum jubilee, but the planning application proposes to fell important and established trees for no gain in terms of land available for housing.
- n. Object to the felling of the tree on the pavement outside of No 49 Abbey Road, loss of this tree will impact the character of Abbey Road.
- o. Object to the location of three houses at the Abbey Road/Eltham Road entrance. These three houses alone will see a marked change in the feel of the area in terms of the removal of two established/mature trees.

- p. A few months ago Rushcliffe BC was giving away trees to encourage people to grow them and improve our environment, now these proposals lead to the felling of beautiful mature trees, solely in order to enable the developer to squeeze in more houses.
- q. Unnecessary felling of mature trees on the site. The A2 Tree survey which was carried out in 2019 on behalf of R.B.C, identified 3 trees of significant value being in category A and B. A lime in A category, which has 40 years of life and two black poplars in B category, with 20 years of life. These not only provide a habitat for nesting birds and insect life but are invaluable in the landscape for climate change and our mental health. There is a lack of mature trees in West Bridgford.

94. Design/ materials/ Density

- a. Buckfast Way residences offering a mixture of 2 story and bungalows and brick being used throughout.
- b. This feels rushed through and without consultation of the local neighbours. It is not in keeping in the aesthetic of the local area and existing houses - support the redevelopment of the site (as it is now just wasteland) but the developers need to consider the surrounding existing properties.
- c. How this development is executed will have a profound effect on the area as a whole. If done correctly, it could be a welcome addition to a lovely community in this part of West Bridgford. If done badly, it has the potential to negatively impact many of the existing residents that circle the site. Leading to potential animosity.
- d. Ugly imposition to the skyline.
- e. No objection to the material pallet for the development. It is positive to see the level of planting that will be installed, however, can any of the existing trees can be retained or relocated within the development.
- f. Totally out of keeping with the neighbourhood.
- g. Faceless homes , nothing for over 65 year olds seeking to downsize, nothing for families with children.
- h. An interesting and attractive scheme with a sensible balance of housing.
- i. The modern designs and welcoming central green space similar to older developments within wider West Bridgford.
- j. Houses on top of one another.
- k. Older people are not going to sacrifice their traditional family homes with character for these diabolical offerings even if they are eco-friendly.
- l. The style of housing is totally incompatible with the area and it's surroundings. The houses and flats are too tall and tower over the other properties on Eltham, Abbey & Buckfast.
- m. Not sensitive to the needs of existing residents especially the positioning of the largest houses which will overlook houses on Eltham and Abbey road. The scale of the development with 71 properties also seems far greater than what was initially proposed.
- n. Why 3 storey when all around are 2.
- o. This is just greed. The houses seem pokey with small gardens.
- p. Suggest reducing the amount of properties and no 3 storey properties. More space all round.
- q. The blocks of flats are far too tall and will compromise the privacy and peace of surrounding homes.
- r. Plot 62 and 63 being 3 storey 4 bedroom houses will significantly overlook the existing properties on Abbey Road seriously infringing on

- the peace and privacy of the residents and again are not in keeping with existing buildings. They also have first floor outside terraces which will overlook all the back gardens and rear of the properties in Abbey Road.
- s. The houses type B2 as in plots 62 and 63 are to be clad in "standing seam metal cladding" (as have other proposed houses on the development) which is completely out of place with the local buildings, making the buildings look more like industrial units than houses and soaring 3 stories at the same time.
 - t. Three storey houses should adjoin the allotments rather than existing properties on Eltham and Abbey Roads.
 - u. The proposed plans fall a long way short of what the local people and the local area deserve.
 - v. Peaceful area will become too busy and congested with so many houses being built.
 - w. Over intensive and not in keeping with the local area - there should be far fewer houses on a plot of this size.
 - x. The focus should be changed from quantity to quality, instead of cramming as many buildings in as possible, build some nice houses that will be a welcome addition and keep the existing green spaces as they are.

95. Affordable housing

- a. Support the development as a whole, but all of the affordable homes are 1 and 2 bed roomed flats and five 2 bed houses. Should include some larger family homes.
- b. No lifts in the flats will mean upper floors will not be assessable to wheelchair users which means visitors who use wheelchairs cannot visit the upper floor apartments. This does not seem to meet the spirit of the Equalities Act.
- c. There are not enough small bungalows in West Bridgford for residents looking to downsize.

96. Amenity/ loss of privacy

- a. Out of character 3 storey dwellings with flats overlooking existing residents.
- b. The privacy considerations for residents have not been appropriately considered.
- c. Any scheme should replace the existing boundary between the site and flats, as this is in poor condition with vegetation encroaching over the boundary from the old depot site.
- d. Maintain height of wall and barbed wire with Mayflower Close and planting be added as deterrent to climb over.
- e. Noise from bin movements on alleyway plots 8-12.
- f. With 71 new houses being built and the corresponding vehicles, object on the basis of increased noise.
- g. Careful consideration needs to be given to boundary treatments to safeguard amenities of neighbouring residents.
- h. Three storey housing and apartments will overlook neighbouring properties.
- i. The proposed flats at the Buckfast Way end of the site will infringe on the existing residents privacy and cause excessive noise, parking and

traffic issues on Buckfast Way which is already very busy and will become dangerous at school pickup drop off times.

97. Infrastructure

- a. Already capacity issues at secondary schools in this catchment area.
- b. Keen to see a play area with equipment installed in the green open space area.
- c. There are no provisions for schooling, public facilities, shopping, parking etc. There is no need for mass housing in central WB, there are plenty of houses in Edwalton.
- d. Services cannot support this extra population and a well-used access footpath will be lost.

98. Flooding

- a. Risk of flooding by further in building.

99. Sustainability/ Energy efficiency

- a. It would be a shame if the opportunity for developing this land is not done in the best way possible to suit the area and the needs of the current, and future residents.
- b. Where are the solar panels, heat pumps, water butts, etc housing of the future - why not use these buildings to inspire some forward thinking in housing.
- c. Any new housing should aim to be carbon neutral
- d. The green technology initiatives proposed are welcome.

100. Disturbance during development

- a. Control hours, noise, dust etc.

101. In respect of the revised plans a further 5 representations have been received from the residents that immediately adjoin the site with comments summarised as follows:

- a. It seems as if the comments made by over 70 local neighbouring residents have not been listened to or addressed.
- b. The Master Plan looks identical to the original plan, the blocks of flats are still in the same position.
- c. Object to this development proposal, as originally and now resubmitted
- d. Aside from plot 69 being changed from a 3 storey house to a 2 storey house, none of the other concerns of neighbours have been taken into consideration or addressed.
- e. 71 dwellings unreasonable for site. Need to compare this with surrounding areas. The density disparity is stark.
- f. Too many properties.
- g. The original plans for this site were community focused with much more green space and would have no doubt received support. The new plans, including the revised ones submitted are far from that.
- h. Still 3 storey dwellings overlooking neighbouring properties.
- i. The road behind the houses on Abbey road belongs to the residences and not Rushcliffe Borough Council.

- j. Query regarding landscaping to rear of property.
- k. Not opposed to houses being built, but why so many and why do they have to be 3 story. Also see no need for blocks of flats.

102. A further 2 representations (one from the Central West Bridgford Community Association) were submitted on the application to discharge conditions ref: 21/01704/DISCON, although the comments appear, for the most part, to relate to the application for reserved matters. These comments are as follows:

- a. Central West Bridgford Community Association object.
- b. Loss of amenity due to disproportionate effect on existing neighbourhood.
- c. The proposal is of an overwhelming scale in comparison to existing residences and would constitute a loss of amenity to those living here.
- d. Proposed 3-storey buildings should not be positioned so as to overlook existing residences.
- e. Traffic congestion likely to arise from this development must be positively managed so as not to cause gridlock, particularly on top of school traffic.
- f. The disappearance of a traffic-free footpath, to be re-routed through the new estate, requires aggressive traffic-calming measures in order for it to be equally safe for small children and other vulnerable non-car users.
- g. Unnecessary damage to natural features - It is proposed to fell two mature trees, with the statement that their retention is not 'feasible' for the pursuit of the development. Working around such features - rather than eradicating them to cram in as many housing units as possible - also softens the impact a major new development would have on its neighbours.
- h. Lip service is given to environmental issues.
- i. New planting would constitute a very long-term, however, it would be a most welcome addition to the existing trees.
- j. While the range of nesting boxes, native tree plantings, and grassed area promised by the developer could be helpful, there are still a number of concerns about the details. A quantity of shrubbery is proposed to be removed. How will the shelter and foraging opportunities for wildlife be preserved? how can the independence of the ecologist be guaranteed who is surveying for existing nests? Conservation criteria are not always rigorously applied. Whips are to be planted rather than mature saplings. A list of species to be included in plantings does not name any large trees.
- k. The plans for the new estate look good.
- l. Please consider Abbey Rd speed restrictions of 20mph to support traffic calming in area.
- m. Please consider zebra crossings at entrance to estate on Abbey Road & Buckfast to support children walking to school in the area.
- n. Please consider numerous rubbish bins throughout estate to help with waste & dog mess.
- o. Please consider using the current noticeboard at Abbey Road end to inform residents of building plans before and during build.
- p. Please ensure noticeboard is moved to useable place after build - maybe in the park.
- q. Please consider environmentally friendly materials for play park equipment e.g. wood not plastic and maybe involve the local primary school in designing the equipment to be built.

- r. Please look at removing current fencing at abbey road and Buckfast Way end NOW before building starts so we can ensure the green space before building start.

103. The full content of the representations received in respect of this application can be viewed on the Council's website at:
<https://planningon-line.rushcliffe.gov.uk/online-applications/>

PLANNING POLICY

104. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2).
105. Other material considerations include the 2019 National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance), and the 2009 Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

106. National Planning Policy Framework and National Planning Practice Guidance - The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.
107. The National Planning Policy Framework (NPPF) 2021 seeks to ensure the planning system contributes to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are:
- Economic
 - Social
 - Environmental
108. Additionally, the NPPF is underpinned by the need to secure good design. The NPPF states 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'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.
109. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these

prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

110. 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.
111. Environmental Impact Assessment Regulations – The proposed development has been screened in accordance with the Environmental Impact Assessment Regulations 2017, however, as the site does not exceed the thresholds applicable to the relevant category of Schedule 2 development, the Local Planning Authority is of the opinion that an Environmental Impact Assessment need not be required to support this development in this instance.

Relevant Local Planning Policies and Guidance

112. 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.
113. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
 - Policy 1 – Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 – Spatial Strategy
 - Policy 8 – Housing Size, Mix and Choice
 - Policy 10 – Design and Enhancing Local Identity
 - Policy 19 - Developer Contributions
 - Policy 17 – Biodiversity
114. The following policies in the Local Plan Part 2, Land and Planning Policies are relevant:
 - Policy 1 - Development Requirements
 - Policy 11 – Housing Development on Unallocated Sites within Settlements
 - Policy 12 - Housing Standards
 - Policy 13 - Self Build and Custom Housing Provision
 - Policy 17 – Managing Flood Risk
 - Policy 18 – Surface Water Management
 - Policy 32 - Recreational Open Space
 - Policy 37 - Trees and Woodlands
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 - Air Quality
 - Policy 43 - Planning Obligations Threshold
115. Residential Design Guide 2009.
116. 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.

117. The full text of the policies in the LPP1 and LPP2, together with the supporting text, and the Residential Design Guide can be found in the Local Plan documents on the Council's website at:
<https://www.rushcliffe.gov.uk/planningpolicy/localplan/>

APPRAISAL

Principle of development

118. Planning permission has been granted in outline and the site is a significant brownfield area within a sustainable location in the principal urban area of West Bridgford. The principle of development of the site has been established through the approval of outline planning permission ref: 19/00678/OUT for the residential development following the demolition and clearance of all the buildings and structures on the 1.9ha site.
119. The outline application was assessed on the basis of whether the principle of residential development was acceptable on the site, and whether any impacts of that principle could be mitigated by use of suitably worded conditions. The submission included indicative information regarding plot designs, layouts, heights of buildings, number of units etc., however with the exception of revised access points from Abbey Road and a new access point onto Buckfast Way access, all matters were reserved.
120. Matters of Sequential test, Exception Test Drainage, Contamination, archaeology, ecology, waste, economic impact, health and wellbeing were considered at the outline stage and are subject to condition discharge and so are not part of the consideration of this application.
121. This current application therefore is to consider the matters that were reserved for future approval, i.e. design, layout, scale and landscaping of the scheme. In respect of highway matters, as access was considered at outline the access points at Buckfast Way and Abbey Road as has the removal of the street tree (Lime) has already been established therefore it is the internal layout and conformity with the County Council Highway Design guide that is now under consideration.
122. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay.
123. NPPF paragraph 15 states that the planning system should be genuinely planned. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other

economic, social and environmental priorities; and a platform for local people to shape their surroundings.

124. Building for Life 12 (BfL 12) sets out the main considerations of the scheme

- Connections – integrating the development into the surroundings by reinforcing existing connections and creating new ones. Respecting the land and existing buildings of the site.
- Facilities and services – ensuring the development is near to parks, schools, workplaces, community facilities and so on.
- Public transport – good access to different modes of public transport to reduce dependency on cars.
- Meeting local housing requirements – a mix of houses to meet local demand.
- Character – a place with a locally inspired and unique character.
- Working with the site and its context – making use of the local landscape, climate and existing topography.
- Creating well defined streets and spaces – plots organised to form an attractive development.
- Easy to find your way around – well thought out layout to encourage walking, and making it easy to locate and find things.
- Streets for all – creating streets that can be social spaces and that encourage lower vehicle speeds for safety.
- Car parking – providing enough parking for residents and visitors so that vehicles do not dominate the streets.
- Public and private spaces – clearly defined areas, well governed and safe.
- External storage and amenity space – providing space for vehicles, cycles, bins and recycling.

Impact upon the character of the area

125. NPPF paragraph 124 advises that decisions should support development that makes efficient use of land taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.

126. NPPF paragraph 125 Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
127. Chapter 12 of the NPPF is concerned with achieving well-designed places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and establish or maintain a strong sense of place whilst optimising the potential of the site and ensuring that new streets are tree lined and opportunities are taken to incorporate trees elsewhere in developments. Significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
128. LPP1 policy 10, Design and Enhancing Local Identity, states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed, amongst other things, in terms of its massing, scale, proportions, materials, architectural style and detailing. This is reinforced under policy 1 of LPP2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.

Design, scale, materials and layout

129. Planning permission has been granted in outline to a maximum of 76 dwellings. The reserved matters application seeks permission for 71 dwellings in a mix of units and tenure whilst providing the required 30% affordable units.
130. The proposal seeks to achieve a high standard of contemporary design based on a design code that was presented with the outline application. The mixed pallet of materials (red, buff, and black bricks, together with pitched roofs of standing seam cladding in anthracite, grey slate roof, flats roofs) together with brick block detailing and grey aluminium window detailing results in a contemporary design and form that would provide a varied and interesting street scene in terms of building form and appearance. Whilst not conforming to the pallet or design and scale of the properties in the surrounding area, the significant brownfield site is considered to offer a great opportunity to present a different approach rather than a pastiche of what has gone before. As the site is largely enclosed with limited street frontage to Abbey Road and Buckfast Way, it is considered that the site lends itself to a more contemporary design approach, provided that the impact on surrounding (existing) properties is addressed to prevent unacceptable overlooking and other significant impacts which will be considered further in this report.
131. Two blocks of flats are proposed to the south of the site adjacent to Buckfast Way. These are proposed to be two and three storey blocks. The rest of the

site is a mixture of two and three storey dwellings. A variety of heights are proposed with the higher units in locations on the site to prevent significant overlooking and overshadowing of the adjacent (existing) properties. The two storey properties are focused primarily where the distances between proposed and existing properties are 7m upwards with the three storey units and apartments backing onto properties on Abbey Road where the distance would be maintained at around 44m, which is greater than what the Councils Residential Design Guide suggests, and the 23m proposed from the facing properties on Buckfast Way is again considered to be sufficient, considering the intervening landscaping and road.

132. The layout is compact compared to the surrounding residential area and as a result an emphasis is placed upon the quality of design of the houses and also the public realm. There are a range of 2, 3 and 4 bedroom houses and 1 and 2 bedroom flats. All houses have private terraces/balcony and also rear gardens spaces of varying sizes. It is noted that the gardens are small but the inclusion of terraces together with the green environment of the central green area, adjacent allotments, together with the semi-private nature of the proposed streets would result in a development that has areas of public realm that are intended to provide publicly shared areas. The flats are designed to have Juliette style balconies and limited amenity space surrounding, however whilst the private amenity space is more limited, it is considered that this would be compensated for by the quality of the public realm within the wider development. Furthermore, the site is close to public open spaces/play areas in the wider area, including the open space on Buckfast Way.
133. The proposal provides a mix of integral garage/carport spaces and frontage parking, whilst the flats are to have dedicated parking areas of 1 space per flat, plus 3 extra spaces. It is considered that the level of on plot parking is sufficient and in addition there are two areas of dedicated visitor parking at the north of the site. The level of on plot parking and other parking facilities available is such that the displacement of vehicles on the roads on the site should be minimised. Whilst it is not possible to require residents to use the spaces provided, in lieu of on road parking, it is considered that the level provided is sufficient and a condition is proposed to ensure that it is retained for the life of the development. In addition, the appropriate storage and segregation facilities to facilitate collection of waste and cycling is provided at the rear of the properties.
134. Revised plans were received during the course of the application which introduced 3 new houses (Type F) at the entrance of the site towards Abbey Road. One detached house (Type F1) instead of house type B (plot 69), and two semi-detached dwellings (house Type F2) instead of house types D (plots 70-71). The properties were also set-back slightly further in the street with additional landscaping incorporated to the front. The changes were undertaken in order to reduce the ridge and eaves heights so that they are less tall in the street-scene.
135. The plans also included alterations to address the County Highway Officer comments in respect of the traffic calming, the frontage (brick wall and planting) reduced to 0.6m to plots 58-18-68 to assist with vision splays, +0.5m was added to the parking spaces for the flats where they are bound by hedgerows to improve space for getting in and out of cars, inward opening sectional garage composite doors annotation added to all the houses with a garage door. Visitor

parking annotations added to the parking located to the north end of the site. In order to seek to address some of the concerns raised by adjoining occupiers the length of private rear garden access pathways to the rear of plots 1-7 were reduced, the rear of plots 48-50, 50 will now share access with 53 giving 49 a slightly larger garden, 25 will now share access with 22 giving 26 a larger garden, the hedge of plot 1 moved over so that the grass area is included in the front garden and parking spaces for 48, 49 and 50 moved forward to abut the rear of pavement, this allows for a small additional area of soft landscaping directly in front of these houses.

136. In addition, the following changes were made:

- House Type A: internal north and south facing terraces opened to the rear to gain southern sunlight.
- House Type B: internal north and south facing terraces opened to the rear to gain southern sunlight.
- House Type B1 (End of plots 18, 21, 24, 51, 54 and 58): long window added to the stairs, and to corner of the building/entrance to create a more active frontage and provide additional visual interest.
- House Type C: Juliette balcony added facing the central green space.
- House Type C2: Area of cladding added to break up the horizontality and to add vertical emphasis. Juliette balcony added facing the central green space.
- House Type D: no changes
- House Type E: no changes
- House Type F: new house type F added (plots 69-71) with lower eaves/ridge compared to House Type D.
- Overall the exterior of the apartments have been reworked to provide additional glazing, greater variety in materials and incorporation of Juliette balconies to strengthen the visual appeal, particularly to the side and rear elevations.
- Brickwork pattern details added to the rear and side elevations towards Buckfast Way as they will be highly visible from outside of the site.
- Juliette balconies added to the rear elevations towards Buckfast Way.
- Wrap around corner brickwork details and Juliette balconies added to the side elevations towards Buckfast Way.
- Central hall area glazing added at the front to emphasise and break up the horizontality and to add vertical emphasis.
- Central hall area metal cladding added at the rear to emphasis and break up the horizontality and to add vertical emphasis.

137. It is considered that the reserved matters submission demonstrates that a development of 71 contemporary dwellings can be accommodated on the site and provide the private amenity space, adequate car parking provision and general amenity space. Thus, it is considered that the application accords with Policy 10 of the Core Strategy, and the updated NPPF, which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved. The details indicate a scheme that, rather than large traditional gardens laid to lawn, illustrates courtyard gardens, balconies and terraces. This would address contamination, flood risk and amenity matters.

Impact upon residential amenity

138. LPP1 policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under policy 1 of LPP2, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
139. Residents surrounding the site have raised concerns regarding the inclusion and location on the site of three storey properties either in the form of dwellings or apartments and the overlooking that would arise. Proposals need to achieve a balance to provide sufficient natural light and ventilation without prejudice to the neighbours' privacy. In this regard, the relationship of the proposed dwellings with the existing adjacent properties, including the location of windows, together with mechanisms for preventing overlooking whilst providing adequate private amenity space for the occupiers of the development and boundary treatment, is a material consideration.
140. 10-16 Buckfast Way are single storey bungalows, which would, following the development, face towards two blocks of flats, one 3 storey and one two storey (increasing to three storey as it goes further into the development). However, there is a distance of between 23 and 29m between the bungalows and the facing apartment buildings with intervening landscaping proposed.
141. In respect of Abbey Road, the proposed properties on the west of the site are a mixture, from the south to the north of 2 and 3 storey flats and 2 and 3 storey houses. In respect of the flats, as a result of the driveway to the rear of the existing properties and their gardens, the resulting built form would be around 44m from the rear facing properties. The two storey properties (plots 46-50) would be 42-46m from the rear elevation of properties on Abbey Road, and the ends of the three storey properties plots 53-61 would be around 40-42m. Plots 62 and 63 are proposed to be 3 storey with an upper terrace area open facing the properties with 64-68 2 storey in height. The distances of these properties with those on Abbey Road are between 44m narrowing to 33m between the property on plot 68 and 49 Abbey Road.
142. The majority of the east of the site adjoins the allotments and whilst the properties, in part, form the boundary with this area, it is not considered that a significant adverse impact would arise. Units 8-15 (all two storey) would back onto existing dwellings on Mayflower Close. The resulting gap between facing properties would be around 18m and facing towards a side/end elevation between 7 and 9m.
143. A turning area and landscaping is proposed to the north of the site, adjacent to the rear gardens of 70-80 Eltham Road. The garden areas of plots 1-7 (3 storey) would back onto 68, 68a, b, c and the facing properties would be at most 44m apart with the nearest corner of unit 1 being around 18.5m from the rear of no. 68a.
144. At the entrance of the development, off Abbey Road, three plots 69, 70 and 71 are proposed. These would all be 2 storey dwellings. The property on plot 69 would have a facing distance of 14m to the flats at 64a and b Eltham Road. The units on plots 70 and 71 would have an oblique nature with these flats and be a distance of between 3m and 11m from the boundary of the same flats on Eltham Road. The same units would be around 20m from the side boundary of

number 62 Eltham Road and would have oblique views towards the rear garden of 2 Abington Road.

145. Visitor parking is proposed in two northern blocks; 9 spaces adjacent to the garages of the flats 64 a, b, c, d and 66 a, b, c, d Eltham Road and a further 5 spaces at the end of unit 8 adjacent to the rear garden of 2 Mayflower Close.
146. Overall, having considered the revised details and the respective distances, it is considered that the proposed development has been designed to ensure that it would not result in any significant overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties, the respective distances and their relationship with existing neighbouring dwellings. A number of properties have front only first floor terraces and the rear windows, where shorter distances occur, have bathroom windows in the facing upper floors. Oblique views may result of adjacent garden areas from some of the upper terraces, however as advised above these would be over longer distances.
147. In considering the relationship of the properties within the development it is considered that the proposed distances between the integral three storey blocks that have upper facing terraces (plots 16-18, 19-21, 54-58 and fronting 19-21 and 22-24 and 51-54) of 15m, although less than advocated in the residential design guide, is acceptable.
148. Therefore, having taken the above information into account, it is considered that the proposed development would not result in an incongruous or inappropriate form of development. Overall, the scale, layout and design of the development proposal is considered acceptable and will not have an adverse impact on the area or adjacent occupiers in accordance with LPP1 Policy 10, Policy 1 of the LPP2 and the NPPF

Affordable Housing

149. As advised earlier in the report the proposal seeks to secure 30% affordable housing on the site. This would be in the form of sixteen affordable rent - four 2 bedroom and twelve 1 bedroom apartments and five shared ownership two bedroom houses. The level of affordable housing is compliant with the policy requirement for this area and the tenure mix is considered to be acceptable.
150. Concern was expressed during the consultation that no lifts are proposed to the upper floors in the apartment blocks. In response, the applicant has advised that all ground floor affordable units will have suitable access for disabled residents and this will also be available in the shared ownership properties. This approach has been agreed with the register social provider who would be responsible for the management of the affordable housing. It is considered that this would offer suitable accommodation.

Energy efficiency

151. Concern has been expressed in the consultation responses regarding the energy efficiency of the proposal. A separate report was provided during the course of the consideration of the application detailing the full range of environmental sustainability and CO2 initiatives that are to be included throughout the development.

152. It is advised that the development is estimated to deliver in excess of 50% CO₂ reduction compared to building regulations, which is significantly higher than the enhanced standard target of 19% CO₂ reduction for the scheme.
153. The additional information advises that the proposal seeks to delivery all homes with new technology to enable 'gas-less' development. *"Modern living includes open plan spaces that open onto gardens, and 1st floor balconies for many of the homes which marries a new style of outdoor space traditionally not incorporated on first floor rooms within dwellings.*
154. *The energy systems and Smart living technology assists the homeowners to efficiently control their lifestyle and energy consumption. The Shared Ownership affordable homes further benefit from the same energy saving through design, Solar PV and ASHP technology that the Market Sale homes incorporate. The apartments have low energy design and incorporate efficient energy systems. The overall scheme is estimated to deliver in excess of 50% CO₂ reduction compared to building regulations which is significantly higher than the enhanced standard target of 19% CO₂ reduction for the scheme. Some of the houses (with both ASHPs and Solar PV) will deliver up to 80% CO₂ and energy savings compared to current building regulations by using modern energy systems to save energy and Solar PV to generate electricity. The Market sale homes are also given the option to be 100% Carbon neutral by upgrading to a larger PV systems and include a Tesla battery storage system.*
155. *The following represent the range of Technologies and Systems that are proposed to be included across the scheme:*
- *Air Source Heat Pumps (ASHP)*
 - *Solar Photovoltaics (PV)*
 - *Stack Ventilation*
 - *Rainwater Harvesting*
 - *Infra-red heating systems*
 - *Electric Vehicle Charging (EV)*
 - *Smart Home Systems*
156. The submission advises that *"the optional upgrades for home buyers includes the Tesla Powerwall (AC connected) that gives access to the Octopus Tesla Energy Plan with 11.75p/11.75p Import/Export tariffs. Which offers full single-phase Backup, Storm Watch, simple night time charging and an amazing App with information on consumption, generation, import, and export and will allow the PV to function while in Backup mode, so battery and PV power is available (PV in daylight hours). Together with a Zero Energy Design (ZED) package which includes: Extended Solar PV and Tesla Powerwall battery storage."*
157. Whilst not currently something that could be insisted upon through the planning function it is a desirable enhancement to the proposed development and is considered to comply with local policy and national guidance.

Access/Internal highway/parking

158. This site is in a highly sustainable location which will encourage and allow ease of access to local facilities by foot or cycle, reducing the need for car dependency.

159. Access to serve the site was approved at the outline stage after careful consideration and consultation with NCC as Highways Authority and is not part of the consideration of the reserved matters application. Therefore, the access to the site to serve 71 dwellings is acceptable in respect of highway and pedestrian safety. No additional local highway alterations were required at outline stage.
160. The internal access and parking arrangements have been considered by the County Council Highways officer and the amended layout plans submitted on the 22 September are now considered generally acceptable. They do advise that the layout of the internal roads will be subject to a technical approval checking process as part of a section 38 agreement of the Highways Act 1980.
161. The applicant has indicated a Visitor parking management regime introduced in two blocks at the north of the site.

Highway Stopping-Up

162. The Highway Authority have been in further discussions with regard to the highway to be stopped-up where the access on to Abbey Road will be altered. All highway that will no longer serve a highway purpose should be stopped-up, which includes the land to the back edge of the footway. It is however acknowledged that the reserved matters can only relate to the original red line of the outline planning permission, which does not include the full extent of area to be stopped-up. This does not however affect the planning approval, and the additional land will be dealt with as part of the access reinstatement works.
163. A Stopping Up Order will be required under S247 of the Town and Country Planning Act 1990. This is a separate legal process that sits outside of the planning process and will require the applicant to apply to the Department for Transport. It is also noted that any utilities/apparatus present within the highway to be stopped-up will need to be relocated at the applicant's expense. A condition will be required to ensure no part of the public highway is obstructed until it has been formally stopped-up. It is an offence for the highway to be obstructed prior to the granting of an order, and it may adversely affect the granting of a subsequent order.
164. The Highway officer has raised no objections and requested conditions should the application be approved.

Access to the rear of Abbey Road Properties

165. Concern has been expressed regarding the access to the rear of the adjacent Abbey Road properties where there is a current drive/private road. The proposal does not include this access and does not provide for any direct access either for vehicles or pedestrians. Therefore, the existing position will remain unaltered.

Loss of PROW

166. Concern has been expressed regarding the loss of the existing dedicated footpath and its diversion through the proposed development. This matter has already been dealt with through separate legislation.

167. The existing footpath, whilst well used, is not well surveyed and the proposed revised route through the development would provide a lit, visible route. All driveways have been designed to ensure visibility of pedestrians. The proposed reroute is considered to be as convenient as the existing footpath route. No objections relating to this have been received during the course of the consideration of the application from the Highways Authority or the Rights of Way officer at the County Council.

Landscape

168. The outline permission established the closure of the existing access point and its relocation on Abbey Road together with one on Buckfast Way. The change to the access on Abbey Road was required to achieve a satisfactory access to the site in the interest of highway and pedestrian safety. Whilst it is acknowledged that the site access was previously used by employees at the site and by refuse lorries, the pattern of movements would be different from a residential development of 71 dwellings and the redevelopment of the site provides the opportunity to provide an improved access arrangement with highway safety benefits.
169. The resulting removal of frontage trees, a loss of 3 mature trees on the Abbey Road frontage, was considered at the outline stage when the access was under consideration and has been established in the granting of the outline permission.
170. Whilst the loss of the mature trees is regrettable, the opportunity for urban regeneration on a significant scale, which will bring many economic, social and environmental benefits, together with the current details that replaces the tree within the public realm, adequately mitigates against the amenity lost as a result of this part of the development.
171. In response to some concerns expressed by adjacent occupiers, regarding shading from trees and improvements to fencing, the revised landscaping plan proposes more appropriate tree species and boundary treatments in specific areas which are reflected in the revised Landscape and Ecology Management Plan. This plan also indicates that there will be a net biodiversity gain for the site and an increase in overall tree and open space provision.
172. The revised details received during the course of the application included:
- Lime trees – substituted for rowan (*Sorbus aucuparia*) which is a much smaller native that should not cause issues to the neighbouring residents;
 - *Prunus lusitanica* hedges – this is preferred to the lower planting as it will achieve immediate visual softening between vehicle parking, which a lower growing hedge would not. The hedges are also shared ownership/private plots that are likely to be well maintained. To assist visibility down the street, the hedges have, however, been set back 1.5m from the back edge of kerb, with lower growing lavender added in its place.
 - Additional feature planting added to the triangular open space adjacent to plot 70/the existing substation, to enhance its appearance.
 - Grass cutting frequency and max cut height updated

173. The Landscape officer has raised no objections to the proposed landscaping scheme. It is therefore considered to be appropriate and policy compliant.

Ecology

174. The proposal seeks to provide biodiversity enhancements and net gain. As a result of the Sustainability officer comments on the original submission revisions were made as follows:

- Species – the species guide referred to by the Officer is informed by the Borough/Regional Landscape Character Assessments, which deals with landscape character beyond defined settlement limits. This site is within settlement and therefore the statement that *only* these species should be used is not appropriate and inconsistent within urban tree planting guidelines which promote using a mix of native and ornamental species to achieve diversity and resistance to disease pressure and climate change. The RBC website promotes a list of trees for gardens, which also includes a range of ornamental species. Taking this into account, the scheme has been amended to include a greater proportion of native tree species, including fruit bearing trees, while also retaining ornamental species. Together these will deliver a more diverse and future proofed tree stock. In terms of shrubs, the scheme pioneers a species palette that reflects the schemes sustainability credentials by utilising shrubs that will be tolerant of warmer and drier growing conditions, likely to be experienced in the future. This is supplemented with various species for pollinators, together with wildflower turf and flowering lawn mixtures.
- Hedgehog access has been illustrated on the plan. This is provided by gaps being created in boundary fencing/walls, together with under garden gates. A specification is provided in the drawing key.
- Grass cutting – management regime for low use areas, e.g. under tree canopies introduced.
- Herbicide use clarified

175. The Sustainability officer has confirmed that they are satisfied with the amenity grassland proposals, the majority of the amenity trees and the management plan.

Health and well being

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

177. The provision of open and green space is proposed as part of the development, which would support these policy ambitions. There are also existing open spaces within easy reach of the site. Improvements to existing bus facilities

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

Broadband

178. The agent has confirmed that all properties would be provided with cable access to broadband in compliance with condition 19 of the outline planning approval.

Water efficiency

179. The agent has also confirmed that all properties will comply with the required Building Regulation standard by the incorporation of water saving dual flush toilets and water efficient showers, washing machines and dishwashers. A condition is proposed to ensure that this is achieved.

S.106

180. The borough council was the applicant for the application seeking outline planning permission, as such, a section 106 agreement could not be secured at this stage, i.e. the Borough Council could not enter into an agreement with itself. Therefore, a Grampian condition was imposed on the outline permission which stated:

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

181. During the consideration of the details of the reserved matters application the originally drafted s.106 Agreement has been considered and updated as necessary relating to the reduction in the number of units. As per the terms of the above condition, development on the site (excluding investigation for archaeology, contamination and the demolition of buildings) cannot commence until such time as the s.106 Agreement securing funding for infrastructure arising from the development (allotments, play pitches, off site play, bus stop improvements, education and health) and the affordable housing provision has been signed.

Conditions

182. Paragraph 56 of the NPPF advises that *“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”* Due to the nature of development proposed, contamination and the level of amenity space provided, a number of permitted development rights are proposed to be removed by condition.

Conclusion

183. The proposal would be visually acceptable, would not unacceptably impact on residential amenity and would not be harmful to highway safety. There would also be no adverse impact on the character and appearance of the area. Accordingly, the proposed development is considered to conform with the objectives of local policy, national guidance and the Design Guide. The reserved matters application is therefore recommended for approval subject to conditions.
184. The application was not the subject of pre-application discussions. The scheme however is considered acceptable after negotiations with the agent during the consideration of the application.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out strictly in accordance with the following approved drawings, received with the original submission 11 May 2021:

- Abbey Road Site Location Plan
- 3573-111 B-MATERIALS BOARD DETAILS
- ARWB-BSP-ZZ-XX-DR-C_0100-P02_s38 Stopping up 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0101-P01_s38 Stopping up 2 of 2
- ARWB-BSP-ZZ-XX-DR-C_0130-P03_S38 Construction Layout 1 of 2
- ARWB-BSP-ZZ-XX-DR-C_0135-P01_S38 Construction Details

Additional plans received 1 September 2021:

- Additional Supporting Statement
- Sustainability and CO2 Saving document
- RammSanderson Landscape and Ecological Management Plan RSE_4660_R1_V5_LEMP September 2021
- 3573-107 D-Unit Mix and Affordable Housing
- 3573-108 D-Street Elevations 1
- 3573-109 D-Street Elevations 2
- 3573-110 D-Street Elevations 3
- 3573-201 L-Housetype GAs - House Type A
- 3573-202 L-Housetype GAs - House Type B
- 3573-203 K-Housetype GAs - House Type B
- 3573-205 K-Housetype GAs - House Type C
- 3573-206 K-Housetype GAs - House Type C
- 3573-207 I-Housetype GAs - House Type D
- 3573-208 D-Housetype GAs - House Type D

- 3573-209 D-Housetype GAs - House Type E
- 3573-210 D-Housetype GAs - House Type E
- 3573-211 F-Housetype GAs - Apartments Block 1
- 3573-212 E-Housetype GAs - Apartments Block 2
- 3573-213 F-Housetype GAs - Apartments Block 2
- 3573-214 A-Housetype GAs - House Type F
- Abbey rd, Low Carbon and Energy Statement 31.08.21.
- ARWB-BSP-ZZ-XX-DR-C-0105-P03_SPA_Refuse_Vehicle_1of2
- ARWB-BSP-ZZ-XX-DR-C-0106-P03_SPA_Refuse_Vehicle_2of2
- ARWB-BSP-ZZ-XX-DR-C-0111-P04_S38_HA_&_Setting_Out_2of2
- ARWB-BSP-ZZ-XX-DR-C-0120-04_S38_Longitudinal_Sections_1of2
- ARWB-BSP-ZZ-XX-DR-C-0121-04_S38_Longitudinal_Sections_2of2
- ARWB-BSP-ZZ-XX-DR-C-0131-P04 S38 Construction Layout 2of2

Further additional plans received on the 21 September 2021:

- 3573-103 T Proposed Masterplan
- 3573-106 F Hard Surfacing & Energy strategy

And 22 September:

- ARWB-BSP-ZZ-XX-DR-C-0135_P02_S38_CONSTRUCTION_DETAILS

And 23 September:

- GL1535 01C DETAILED LANDSCAPE PROPOSALS

And 24 September:

- GL1535 - Landscape Management Plan - Rev C 24-09-2021

And 28 September:

- ARWB-BSP-ZZ-XX-DR-C-0110-P06_S38_HA_&_Setting_Out_1of2
- ARWB-BSP-ZZ-XX-DR-C_0130-P06_S38 Construction Layout 1 of 2
- ARWB-BSP-ZZ-XX-DR-C-0132-P06 _S38_AGREEMENT_PLAN

[For the avoidance of doubt having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The external elevations of the development hereby permitted must be constructed using only the materials specified in the submitted application and materials board submitted and approved under condition 2.

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

4. The construction of the dwellings hereby permitted must not proceed above damp proof course level until a scheme for the provision of Electric Vehicle

Charging Point(s) (EVCP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The dwellings hereby permitted must not be first occupied until the plot specific EVCP's has been installed in accordance with the approved details. Thereafter EVCP's must be permanently retained on the site in accordance with the approved scheme throughout the lifetime of the development.

[To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards an improvement in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 112 of the National Planning Policy Framework (February 2021).

5. Prior to their first occupation, each dwelling within the development hereby permitted must have been provided with a full fibre broadband connection in accordance with condition 19 of the outline permission.

[To ensure the provision of advanced high quality and reliable communications infrastructure that can enable working from home initiatives that reduce travel demand, supports economic growth and helps to promote social well-being having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 13 (Health Impacts of Development) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 114 of the National Planning Policy Framework (February 2021)].

6. Dwellings within the development hereby permitted shall not be occupied until the optional requirement for water efficiency (i.e: not exceeding 110 litres per person per day) set out at Regulation 36(2)(b) of the Building Regulations 2010 as amended)(or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) has been complied with. Thereafter this water efficiency standard must be retained throughout the life of each dwelling on the site.

[To promote a reduction in water consumption having regard to Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

7. The hard and soft landscaping shown on the submitted drawing(s) (RammSanderson Landscape and Ecological Management Plan RSE_4660_R1_V5_LEMP 1 September 2021, 3573-103 T; Proposed Masterplan and 3573-106 F Hard Surfacing & Energy strategy received 21 September; GL1535 01C DETAILED LANDSCAPE PROPOSALS received 23 September 2021 and GL1535 - Landscape Management Plan - Rev C 24-09-2021 received on the 24 September 2021) must be carried out and completed in accordance with those approved details not later than the first planting season (October – March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (February 2021)].

8. Notwithstanding the provisions of the Schedule 2 Part 1 Class A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no enlargement, porches, or any other alteration including to the roof of the dwelling(s) and including the insertion of windows, shall be carried out to the dwelling(s) hereby permitted and no outbuildings or other structures shall be erected, and no hard surfaces or alterations to garden levels shall be constructed or undertaken within the curtilage of the dwelling(s) on plots 1-29 and 46-71 hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling, the character of the area and to ensure that any unexpected contamination that is encountered is appropriately remediated so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) and Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies Policy 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 of the National Planning Policy Framework (February 2021)].

9. The flat roof areas above the 2nd floor level of the dwellings on plots 1-7, 16-24, 30-35, 36-45, 51- 61, 62 and 63 (other than those expressly authorised by this permission) hereby permitted must not be used as a balcony, roof garden or any other similar amenity area whatsoever.

[To protect the amenities of occupiers of neighbouring properties from adverse overlooking/loss of privacy having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

10. Notwithstanding the provisions of section 55(2)(a)(i) and 55(2)(d) of the Town and Country Planning Act 1990 or Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 the garages/ car ports/parking areas serving plots [1-7, 13-15, 18, 21, 24, 51, 54, 58, 62-68] hereby permitted must be kept available at all times for the parking of motor vehicles of the occupants of the dwelling(s) and their visitors and must not be used for any other purpose whatsoever. The garage doors shall open as per the approved plans, and the car ports shall be retained with no doors, for the life of the development.

[To ensure that sufficient parking provision is retained at the site having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

11. The windows serving bathrooms and ensuites to all plots hereby approved, must be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent and the window on the second floor side elevation serving a bedroom in House Type A hereby permitted must be:
 - a. non-opening to the side facing and;
 - b. fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, those window(s) must be retained to this specification throughout the lifetime of the development and no window openings (other than those expressly authorised by this permission) shall be inserted into the elevations of the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To preserve the amenities of neighbouring properties, and to enable the Local Planning Authority to retain control over the insertion of any additional window openings or rooflights that may adversely affect the amenities/privacy of neighbouring properties having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

12. Occupation of the proposed dwellings/apartments shall not take place until details of their respective bicycle parking/storage has been submitted for the prior written approval of the Borough Council and the bicycle parking/ storage has been provided in accordance with the approved details. Thereafter the bicycle parking/storage must be retained on the site in accordance with the approved details and must be kept available for the parking bicycles at all times.

[To ensure there is adequate provision for the secure and undercover parking/storage of bicycles within the site to encourage the use of bicycles as an alternative to using motor vehicles having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].

13. The development will require the stopping up of public highway and no part of that development hereby permitted (or any temporary works or structures) shall obstruct the public highway until it has been formally stopped up.

[To prevent the obstruction of the public highway in the interest of highway safety, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

14. No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority, including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of

and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

[To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre commencement condition required to ensure that the setting out of the development accords with Highway design guides].

15. No dwelling shall be occupied until any redundant accesses have been permanently closed and the access reinstated as verge/footway in accordance with details first submitted to and approved in writing by the Local Planning Authority.

[To reduce the number access points into the site in the interest of highway safety, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

16. Occupation of the proposed dwellings shall not take place until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[In the interest of highway safety and to ensure adequate vehicle parking spaces are provided on the site for use in connection with the development hereby permitted having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

17. Notwithstanding Class A or AZ of Part 20 of Schedule 2 of the General Permitted Development Order 2015 (as amended) the flats hereby approved shall not benefit from the construction of up to two additional floors on a purpose built detached block of flats or for the Demolition of buildings & construction of new flats or a house for the life of the development.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

18. Notwithstanding Class AA of Part 1 or Class AC and Class AD of Part 20 Schedule 2 of the General Permitted Development Order 2015 (as amended) the dwellinghouses hereby approved shall not benefit from the enlargement of a dwellinghouse by construction of additional storeys, or new flats on terrace

buildings in use as houses or new flats on detached buildings in use as houses for the life of the development.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

Notes to Applicant

The applicant is reminded that the development is also subject to a planning obligation made under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

Condition 6 requires the new dwelling(s) to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body that this requirement is a condition of this planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building Regulations 2010 (as amended).

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

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

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

A Stopping Up Order will be required under S247 of the Town and Country Planning Act 1990. This is a separate legal process that sits outside of the planning process

and will require the applicant to apply to the Department for Transport. It is an offence for the highway to be obstructed prior to the granting of an order.

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 roadworks.

- a) 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 the Highway Authority as early as possible.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Correspondence with the Highway Authority should be addressed to:
hdc.south@nottscc.gov.uk

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 hdc.south@nottscc.gov.uk for details.

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.

Severn Trent Water advises 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. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600)

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website

(www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Notwithstanding the submitted and approved plans the tree identified as 'replacement street tree' is not acceptable for the purposes of the mitigation scheme required under condition 24 (Removal of the mature highway tree - Tree 15) from planning permission 19/00678/OUT. You are advised to liaise directly with Nottinghamshire County Council regarding what would constitute a suitable mitigation scheme. Please also note that once a scheme is approved under the discharge of condition 24 of 19/00678/OUT separate permission will be required from Nottinghamshire County Council to remove the tree identified as T15 in the AT2 tree survey.