



Appeal Decision

Hearing held on 14 November 2017

Site visit made on 15 November 2017

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th November 2017

Appeal Ref: APP/P3040/W/17/3178343

Land North of Rempstone Road, East Leake, Nottinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by N & B Wright (Farming) against the decision of Rushcliffe Borough Council.
 - The application Ref 16/01881/OUT, dated 21 July 2016, was refused by notice dated 31 March 2017.
 - The development proposed is up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation and landscaping at Land North of Rempstone Road, East Leake, Nottinghamshire in accordance with the terms of the application, Ref 16/01881/OUT, dated 21 July 2016, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. The application is submitted in outline with details of the proposed access to be considered. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration.
3. At the beginning of the Hearing, a signed S106 agreement was submitted securing a financial contribution towards secondary school provision, amongst other things. The Council confirmed that this overcame its objection set out in its third reason for refusal, so far as it relates to secondary school provision.
4. The submitted Statement of Common Ground between the parties establishes that the Council can currently demonstrate a deliverable housing land supply of around 3.43 years. As a five year housing land supply cannot be demonstrated, the parties agree that relevant policies for the supply of housing should be considered out of date, including those within the East Leake Neighbourhood Plan (2015) (NP). Under these circumstances, the tilted balance in favour of granting planning permission is engaged in accordance with paragraph 14 of the National Planning Policy Framework (the Framework). I have considered the appeal on this basis.
5. I have considered the Parish Council's view that the NP should not be considered out of date, having regard to the Written Ministerial Statement

(WMS) of 2016 dealing with Neighbourhood Planning but the circumstances under which exemptions apply to the above position are clearly set out. The NP does not allocate sites for development, albeit that this was not considered necessary at the time, and so the WMS has no effect in this case.

Main Issues

6. The main issues are whether the site is in a suitable location for residential development having regard to the development plan; the effect on the character and appearance of the area, including landscape and visual impact; whether future residents would be overly reliant on the use of private vehicles, with particular regard to the connectivity of the site with the village centre; and whether suitable provision is made for primary education.

Reasons

Location

7. Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (CS) sets out the spatial strategy for the area involving a policy of urban concentration, primarily around the main built up area of Nottingham and then the Key Settlements identified for growth. One of the Key Settlements is East Leake, which is expected to accommodate a minimum of 400 homes in or adjoining the village.
8. The number of homes granted planning permission in East Leake far exceeds this figure (more than double) but the 400 dwelling target is expressed as a minimum number and there is nothing in the policy that prohibits a larger number being delivered. That said, the CS sets out the distribution seen to be appropriate across the Borough and I heard that this was informed by an analysis of the number of dwellings each settlement can reasonably be expected to sustain, though the supporting evidence is not before me in this appeal. The CS makes provision for the number of homes necessary across the Borough, which is not disputed, and such a large concentration at East Leake is a divergence from the Council's strategy.
9. The weight to be attached to this policy conflict must, however, be established in the light of the significant deficit in housing delivery in the Borough. Clearly, the CS has not been effective in delivering the necessary housing to date and the Council's anticipated trajectory, set out in Policy 3, expects delivery to rise significantly from next year. This strategy is predicated on the allocated Sustainable Urban Extensions around Nottingham, and three other large sites, delivering a large proportion of the requirement. This has not occurred to date and the Council recognises that there have been delays in bringing all but one of these sites forward. This is a position set out within the emerging Local Plan Part 2 (emerging LP).
10. The Council has sought to be proactive in bringing these sites forward and the steps taken to address the issue are well rehearsed in an appeal decision from last year in Aslockton¹. Since this time, the Council has continued its efforts to bring these strategic development sites forward and this is recognised in the Planning Improvement Peer Challenge Final Report (February 2017). A Strategic Sites Delivery Officer has also been appointed to further support delivery.

¹ APP/P3040/W/16/3143126 – Land to the north of Abbey Lane, Aslockton

11. All of this is encouraging, as are the details of additional dwellings granted planning permission and progress in delivery on the ground. However, the Council did not update its housing land supply position for the appeal and there is, therefore, no firm evidence before me of any progress in relation to the Council's housing land supply position since the previous appeal. Nor is it demonstrated how the trajectory set out in Policy 3 will be achieved over the coming years.
12. In contrast to the Aslockton appeal decision, the appeal site does not represent a significant departure from the spatial strategy of the CS, because East Leake is a Key Settlement where development is to be directed after the main urban area around Nottingham. The Council confirmed that there are no sites available around Nottingham, other than the three allocated urban extensions, which have not delivered the anticipated number of dwellings to date. The emerging LP identifies further sites in an attempt to address the shortfall but the vast majority of these are located in Green Belt and so the prospects of these being delivered in the short term, prior to the adoption of the emerging LP, are very limited. The emerging LP has not been examined and is not expected to be adopted until at least the end of 2018.
13. In light of the above, I am not persuaded that the Council's efforts will significantly alter the delivery position in the short term. The Framework seeks to boost significantly the supply of housing and the need for housing in the Borough exists now. I do not consider it appropriate to further delay delivery on the basis that the minimum number of dwellings in East Leake, a Key Settlement, have been exceeded. The village is expected to grow, recognition of its relative sustainability. Therefore, contrary to the position in the Aslockton appeal, I attach little weight to the conflict with Policy 3 in terms of housing numbers as I do not consider the development is at odds with, or would undermine, the overall strategy of the CS in the absence of a five year housing land supply.

Character and appearance

14. The site comprises arable land adjacent to a large residential development site that is currently under construction. Land levels slope downwards from Rempstone Road towards the village and a public right of way (PROW) runs north-south across the site and onwards towards the village centre. A newly relocated micro-propagation business stands adjacent, along with another commercial unit close to Loughborough Road. These, coupled with the large scale development underway to the west, have a marked visual influence on the otherwise rural character of the site.
15. The application is accompanied by a Landscape and Visual Appraisal (July 2016) (LVA) which has been undertaken in accordance with best practice guidance in GLVIA3². The appraisal recognises that there would be a fundamental change from undeveloped land to a residential development but that the effects would be localised and limited in their extent. The existing hedgerows and trees within the site would largely be retained though some small sections would need to be removed to facilitate access to the site. The retained hedgerows would be strengthened and reinforced, along with

² Guidelines for Landscape and Visual Impact Assessment, Third Edition, Landscape Institute and the Institute of Environmental Management and Assessment (2013)

- additional tree planting across the site, notably a thick landscape buffer along the boundary with Rempstone Road.
16. The LVA concludes that the effects on the wider landscape area would be minor adverse-negligible, particularly as new landscaping within the site matures. The council accepted during the hearing that its concerns related to the landscape and visual effects in the immediate vicinity of the site and that there were no wider implications. The landscape effects in the immediate vicinity of the site are assessed in the LVA to be moderate adverse at year 1, reducing to minor adverse by year 10 when landscaping has had the chance to establish.
 17. The development is also expected to have a minor-negligible effect on the majority of visual receptors affected but it is recognised that the effect could be significantly greater for the residents of a single property on Loughborough Road with close range views of the site and for recreational users of the PROW passing through the site. Even these adverse effects are expected to reduce to moderate by year 10.
 18. The Council referred to a recently published report 'Landscape and Visual Analysis of Potential Development Sites' (July 2017) commissioned as supporting evidence for the emerging LP. This document seeks to assess the relative landscape and visual effects that would result from development on various potential sites across the Borough, using numerical scoring to rank them.
 19. The appeal site does not rank favourably amongst the sites considered but the appellant levelled a number of criticisms at the document which were not satisfactorily rebutted by the Council. In fact, the Council accepted that numerical scoring was advised against in GLVIA3 and that the report reached a different conclusion to that now held by the Council in relation to impacts on the conservation area. The Council could not explain how this would alter the relative score or ranking for the site and so the report is of limited benefit.
 20. Fundamentally, the report itself recognised its limitations and states that the exercise is no substitute for a site specific landscape and visual appraisal, such as that carried out by the appellant. The Council does not make any criticism of the methodology or findings of the LVA and so I find this evidence to be more reliable than the Council's assessment. I have had regard to the views of local people that the site is much enjoyed as a recreational resource but that does not alter my conclusions, having regard to the detailed LVA.
 21. Policy E1 of the NP requires that the identified ridges surrounding the village remain undeveloped in order to maintain the rural character of the village and to provide a visual link with the countryside. The indicative plans and supporting documents set out proposals to include a thick landscape buffer along ridge A, running along Rempstone Road. This demonstrates that a green rim visible from the village and in views towards the village from outside could be achieved in accordance with Policy E1.
 22. There would undoubtedly be a change in the character and appearance of the area as a result of the development but the scheme seeks to minimise these impacts and mitigate them over time. Overall, I consider that the harm to the character and appearance of the area would be limited and a matter to be weighed in the planning balance. The proposal has had regard to the need to deliver good design and protect local distinctiveness in accordance with Policy

10 of the CS and this could be further developed at the reserved matters stage. As no significant adverse impacts would result to the open countryside or important landscape features, I find no conflict with Policy EN19 of the Rushcliffe Non-Statutory Replacement Local Plan (non-stat LP).

23. The development would conflict with Policies EN20 and HOU2 of the non-stat LP by introducing development to the countryside that is not in accordance with the exceptions to its policy of restraint and would extend the built-up area of the settlement. However, the non-stat LP does not form part of the development plan and so I attribute it weight only so far as it is consistent with the objectives of the Framework to recognise the intrinsic character and beauty of the countryside, which must also be considered in the context of its other objectives.

Connectivity and accessibility

24. Policy H6 of the NP allows for housing development outside the existing village built boundary subject to a number of criteria, one of which is that most homes built on the site are within 1.25km walking distance of the village centre. During the Hearing, the appellant produced an agreement with Persimmon Homes, the developer of the adjacent site, facilitating a footpath and cycle link between the PROW passing through the site and the adjacent development. The Council accepted that the agreement made such a link possible and further certainty could be secured using a Grampian style condition.
25. This link would provide a direct, surfaced and lit route from the appeal site to the village centre and would bring the site within 1.25km, albeit that most of the proposed houses would be further away according to the indicative drawings submitted. There is no dispute that the development would conflict with Policy H6 in this regard but the Transport Assessment (July 2016) (TA) refers to other well-known standards³, which suggest that much longer walking and cycling distances are reasonable for accessing some day to day services, such as commuting, walking to school and recreation.
26. The parties could not agree on the walking distance between the proposed houses and the village centre but even if I were to use the Council's estimates, which involved longer distances than the appellant's, the closest residents would have around a 1.2km walk, extending up to around 1.5km from the far end of the site. An alternative walking and cycling route would also be available via Rempstone Road. Bus stops are a short walk away from the site, around 500m, and provide a regular (hourly) service to Nottingham with its attendant services and facilities.
27. East Leake benefits from an extensive range of services and facilities which would be within a reasonable walking and cycling distance along a pleasant and practical route for most people likely to occupy the site. Whilst there would be some people that would find the distance involved undesirable that does not, in my view, make the site inherently unsustainable. The option to walk or cycle is available and I see no reason why it would not be taken up by people that are so minded. A Travel Plan also accompanies the application and is likely to encourage uptake of these modes of travel. The availability of a regular bus service to the large urban centre of Nottingham also provides a good opportunity for future residents to access services and facilities by sustainable

³ Guidelines for Providing for Journeys on Foot, Institute of Highways and Transportation (2000)

means. I see no reason why future residents should become reliant on the use of private vehicles.

28. The development would be in conflict with Policy H6 of the NP but the Council accepts that this policy seeks to control where new housing development can be built and so has a direct impact on the provision of housing. This conflict is a matter to be weighed in the planning balance. For the reasons I have set out, I find no conflict with Policy 14 of the CS, which seeks to manage travel demand and reduce reliance on the private car.

Primary education

29. The submitted S106 agreement includes a contribution towards local primary school provision which is calculated in accordance with a standard methodology contained in the County Council's Planning Obligations Strategy for school extensions. The parties are agreed on the amount contained within the obligation, which would normally be used to extend a local school in order to mitigate the impact of the development.
30. In this case, the Council does not consider the proposed contribution would be appropriate because both existing primary schools in the village are said to be at capacity. This is based upon advice from Nottinghamshire County Council, as Local Education Authority (LEA), who were represented at the Hearing. I heard that the schools in the village had been extended previously or further expansion was planned in order to accommodate the increased population already granted planning permission in East Leake.
31. That may be so, but it was confirmed during the Hearing that no formal investigation had been carried out as to whether further capacity could be made available to accommodate the appeal development. Under these circumstances, it cannot be said that the schools are unable to accommodate the proposal; there is simply no evidence before me to draw such a conclusion.
32. The LEA recognises the statutory duty on it to provide school places for school aged children and explained that if capacity was not available at the schools in the village, provision would have to be made elsewhere. This could involve extension of an alternative school outside the village, using the contribution secured, or by providing transport for pupils to another local school with capacity. Whilst this may not be a desirable option for the Council or local people, school provision could be made and there is no evidence that future residents would be disadvantaged by such an approach. I was told that schooling in East Leake was an important part of community cohesion but attending a school a short distance from East Leake would not alter other aspects of village life.
33. The Council accepted that there would be a lead in time between any planning permission being granted and the completion of properties on site, allowing some time for arrangements to be made. Overall, I am satisfied that provision could be made to meet the demand for primary school places arising from the development. If it transpires that the existing schools in the village cannot accommodate the development (or the contribution cannot be used due to the pooling restriction imposed under Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010) then alternative options are clearly available and the S106 has been worded so as to allow expenditure of the financial contribution in order to facilitate the options discussed above.

Contrary to the written evidence, this position was supported by the Council at the Hearing. I am satisfied that this contribution accords with the requirements of Regulation 122 of the CIL Regulations.

34. The legal agreement also makes provision for the transfer of land to the Council for a new primary school. However, the parties agreed that such provision was not necessary to make the development acceptable and not, therefore, compliant with Regulation 122 of the CIL Regulations 2010. As such, I attach no weight to it in reaching my decision.
35. The planning obligation would mitigate the impact of the development on local primary schools in providing the necessary additional school places. As such, I find no conflict with Policy 19 of the CS which requires that new development meet the costs of mitigating their impacts on local infrastructure; or Policy H1 of the NP which states that development over and above the minimum number of 400 dwellings will only be allowed where relevant infrastructure is improved in time to accommodate the development.

Other matters

36. The detailed TA accompanying the application provides a comprehensive assessment of the likely impacts of the development on the local highway network in terms of both highway safety and capacity. The scope of the assessment was agreed with the Local Highway Authority (LHA) and informed by a public consultation event in the village. The overall conclusion is that the development would have a negligible effect.
37. Local people remain concerned and suggested that greater consideration should be given to some junctions or traffic associated with other development, such as Stanford Hall nearby. However, in identifying the scope of the TA, the LHA did not request such analysis or further consideration and raise no objection to the proposal, subject to suitable planning conditions. This is also the position of the Council. Based on the evidence before me, I have no reason to conclude that the development would harm highway safety or capacity and I accept the conclusion of the Council and the LHA.
38. Specific reference was made to another residential scheme being promoted by Gladman in the village but no planning permission has been granted on this site and the prospects of it being granted remain unknown. Whilst it is appropriate to consider cumulative impacts, any planning permission granted as a result of this appeal would predate the other scheme and so such impacts are a matter for any transport assessment in subsequent schemes.
39. An Ecological Appraisal (Jul 2016) and Precautionary Method of Works: Great Crested Newt (July 2016) survey support the planning application. Overall, the habitat on site is considered to be of low ecological value. The existing trees and hedgerows on the site boundaries have the most value in ecological terms and these are largely to be retained within the development. Subject to the recommendations within the reports being secured by condition, I am satisfied that the development would not harm ecological interests.
40. A number of people have raised concerns about the infrastructure and services in the village, suggesting that they cannot cope with the additional development sought. Having regard to the consultation responses provided by statutory undertakers and other consultees, the parties have agreed a number

of planning obligations that seek to mitigate the impacts of the development. These are discussed below. In addition to these matters, the local sewage undertaker has not objected to the proposal despite its obligation to provide such services if the appeal is allowed.

Planning Obligations

41. The submitted S106 agreement provides for a number of obligations in accordance with Policy 19 of the CS and H1 of the NP, including the provision of affordable housing, a financial contribution towards secondary school provision, provision of open space on site, a financial contribution towards improvement of off-site open space/sports pitches, a contribution towards a new or improved medical centre and a monitoring contribution. The need and justification for these obligations is set out in the Council's Planning Obligations and CIL Compliance Statement (November 2017). The parties agree that they are all necessary and otherwise meet the requirements of CIL Regulation 122 and I concur, having regard to the available evidence.
42. Regulation 123 of the CIL Regulations prevents the pooling of five or more contributions towards a single infrastructure project. The Council confirms that this regulation would not be breached in most cases, but contributions towards a new or upgraded health centre in East Leake and improvements to the Costock Road Playing Fields would result in 5 contributions being pooled. Under these circumstances these contributions cannot represent a reason for granting planning permission and I cannot attach any weight to them.
43. The parties agree that these contributions are necessary as a result of the development and so, in their absence, it cannot be said that the development would mitigate its impacts on the health centre or the Costock Road Playing Fields. The capacity of the health centre particularly, is a matter raised by a number of local people. No evidence was provided about the availability or capacity at other local health care providers. The absence of mitigation weighs against the proposal. It is also in conflict with Policy 19 of the CS and H1 of the NP.

Conditions

44. The parties have agreed a number of conditions in the event that planning permission is granted. I have attached conditions specifying the reserved matters, along with specific matters on which further information is required, the time periods for their submission and subsequent commencement of development. A condition is also necessary to require general accordance with the indicative plans submitted in the interests of certainty.
45. It is necessary to secure the specific highways and transportation improvements proposed in the application to ensure highway safety and accessibility. A Construction Method Statement is needed to ensure highway safety and to minimise the impact of the development on neighbours' living conditions. A Travel Plan is required to promote sustainable modes of transport and avoid reliance on private vehicles. A Travel Plan Coordinator is also secured to ensure that the Travel Plan is effective.
46. Details of the proposed materials are needed to ensure an appropriate appearance for the development. For the same reason, and in the interest of ecology, it is necessary to detail requirements for implementation of a

landscaping scheme and to secure protection of trees and hedgerows to be retained within the development.

47. Details of the proposed foul and surface water drainage scheme are necessary to ensure that the development is properly served and to avoid pollution or flooding.
48. A scheme of archaeological investigation is secured to ensure appropriate treatment and recording of any heritage assets. The development is required to be carried out in accordance with the submitted Ecological Appraisal in order to mitigate the impact of the development and provide enhancements where possible. Nesting birds are also protected.
49. I do not consider it reasonable to require that the Transport Assessment be updated should planning permission be granted for further residential development in the village subsequent to this decision. The TA provides an assessment of the current situation at the time that the application is being considered and the Council accepts that the impacts of the development are acceptable. Any subsequent planning applications are required to consider their impacts, including cumulative impacts with other developments. It is not reasonable and necessary to seek mitigation from this scheme retrospectively in the event that further permissions are allowed.

Planning Balance

50. I have identified that there is a significant shortfall in housing supply in the area and that the development plan is not currently effective in meeting the need for housing. The proposed development would provide up to 235 new homes, 20% of which would be affordable housing, for which there is an established need. This would deliver social, economic and environmental benefits in meeting housing needs, through increased population, expenditure and construction works, and through ecological enhancements arising from the development. In the context of the Framework's objective to boost significantly the supply of housing, I attach the contribution that would be made by the development significant weight.
51. The development would be in conflict with the spatial strategy outlined in Policy 3 of the CS in so far as it would result in significantly more houses in East Leake than the minimum number identified. However, East Leake is a Key Settlement where development is expected to be directed after the urban area of Nottingham, which is not currently delivering in sufficient numbers. East Leake is one of the few Key Settlements that is not affected by Green Belt and so it can make an important contribution to meeting the much needed housing in the short term.
52. There is conflict with Policy 19 of the CS and H1 of the NP in that the development would not fully mitigate its impacts on local infrastructure in relation to local health care and sports pitch improvements. The development may place additional pressure on these facilities, or alternatives in the local area. This weighs against the development and I attach the matter moderate weight.
53. I have found only limited harm to the character and appearance on the area and some conflict with Policies H1 and H6 of the NP in relation to the location of the development and the walking distance into the village. This weighs against

the development. There is also some conflict with Policies EN20 and HOU2 of the non-stat LP which restrict development in the countryside but I have already explained that these policies are not part of the development plan and must be considered against the other objectives of the Framework. I attach the harm arising in this respect little weight.

54. If the development plan is applied with full rigour there is a very real likelihood that the housing deficit will worsen in the area and need for housing will not be addressed. The Council cannot demonstrate a five year housing land supply and so relevant policies for the supply of housing are out of date. Having considered all matters relevant to the appeal, the harms that I have identified, even cumulatively, cannot be said to significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Furthermore, there are no specific policies in the Framework that indicate development should be restricted. In this case, material considerations indicate a decision other than in accordance with the development plan and planning permission should be granted.

Conclusion

55. In light of the above, and having considered all other matters, the appeal is allowed.

Michael Boniface

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Andrew Gore	Planning Consultant
Simon Stanion	Solicitor
Gerard Harries	Landscape Architect
Stephen Clyne	Education Consultant
Ben Hunter	Education Consultant
Neil Wright	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Marshall	Principal Area Planning Officer
Phillip Marshall	Principal Policy Planning Officer
John King	Planning Officer
Stephen Pointer	Planning Manager, NCC
Andrew Norton	Developer Contributions Practitioner, NCC
Kirsty Catloe	Planning Officer

INTERESTED PERSONS:

Carys Thomas	East Leake Parish Council
Conrad Oatey	East Leake Parish Council
Chris Robinson	Local Resident
Cllr Ron Hetherington	Ward Member

DOCUMENTS SUBMITTED DURING THE HEARING

- 1 Council's response to new Landscape and Visual Impact evidence
- 2 Plan showing other consented development in East Leake
- 3 Concept Masterplan, including footpath link
- 4 Presentation Layout, showing Phase 3 of adjacent Persimmon development
- 5 Completed S106 agreement
- 6 Signed Call Option Agreement between appellant and Persimmon Homes
- 7 Council's GIS Plans indicating relative walking distances
- 8 Appellant's Google plans indicating relative walking distances
- 9 Extract from emerging Local Plan Part 2, Page 2
- 10 Listed of potential conditions agreed between the parties
- 11 East Leake Neighbourhood Plan, Final Version (November 2015)
- 12 Plan showing position of proposed pedestrian/cycle link

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Application for approval of reserved matters shall be generally in accordance with the parameters set in the Rempstone Road, East Leake Concept Plan EMS2851_002 REV C, Land Use Plan EMS2851_008 REV 1, Outline Surface Water Drainage Strategy ELK-BWB-HDG-XX-DR-EN-0001 P4 and Illustrative School Plan EMS2851_009 REV A.
- 5) No dwelling shall be occupied unless or until the following works have been provided in accordance with plans previously submitted to and approved in writing by the Local Planning Authority:
 - i) Revised site access arrangements, including lowering of the speed limit to 40mph, generally in accordance with drawing BWB-GEN-XX-DR-TR-100_P5;
 - ii) Provision of a suitably surfaced and lit footpath/cyclepath linking the site to Brookside through the adjacent development site to the west between points A and B on drawing EMS2851_009 SHEET NO.0 Rev:A';
 - iii) A new lit footway along Rempstone Road;
 - iv) Improvements to the Rempstone Road / Loughborough Road junction including works to facilitate the closure of its eastern arm, as shown indicatively on drawing BWB-GEN-XX-DR-TR-102_P1, with associated Traffic Regulation Order;
 - v) Improvements to Bus stops on Rempstone Road including a suitable crossing point;
 - vi) Provision of a new traffic signal camera at the A6006 / A60 / Main Street Rempstone signalised junction.
- 6) The development hereby permitted shall only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Local Planning Authority:
 - i) A detailed layout plan of the whole site;
 - ii) The siting, design and external appearance of the proposed buildings;
 - iii) A detailed landscaping scheme;
 - iv) Cycle and bin storage facilities;
 - v) Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;

- vi) The means of enclosure to be erected on the site;
 - vii) The finishes for the hard surfaced areas of the site;
 - viii) The layout and marking of car parking, servicing and manoeuvring areas;
 - ix) Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the application site, and this shall include details of drainage, sewerage and lighting;
 - x) The means of access within the site.
- 7) Prior to construction of the buildings hereby permitted reaching damp proof course level, details of the facing and roofing materials to be used on all external elevations shall be submitted to and approved in writing by the Local Planning Authority, and the development shall only be undertaken in accordance with the materials so approved.
- 8) No dwellings shall be occupied until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 9) No operations shall commence on site until the existing trees and/or hedges which are to be retained (as detailed in the fpcr Arboricultural Assessment July 2016) have been protected in accordance with the measures detailed in that report, and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.
- 10) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:
- i) Access and parking of vehicles for site operatives and visitors;
 - ii) Loading and unloading of plant and materials;
 - iii) Storage of plant and materials used on constructing the development;
 - iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) Wheel washing facilities;
 - vi) Measures to control the emission of noise, dust and dirt during construction;

- vii) A scheme for recycling/disposing of waste resulting from construction works;
- viii) Hours of operation;
- ix) A scheme to treat and remove suspended solids from surface water run-off during construction.

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

- 11) The development shall not be occupied until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall be informed by the BWB Flood Risk Assessment and the Sustainable Drainage Statement accompanying this application and the following measures:
 - i) Provision, implementation and maintenance of a Sustainable Drainage (SuDs) System with storage provided up to the 100 year plus 40% climate change allowance and surface water run-off limitation to existing greenfield run-off rates.
 - ii) Provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 12) No development shall take place until details of a scheme for the implementation of an archaeological field evaluation to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 13) No dwelling shall be occupied until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Interim Travel Plan, to be approved prior to development taking place, and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.
- 14) The Travel Plan Coordinator employed as required under the provisions of condition 13 shall within 6 months of occupation produce or procure a Detailed Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Travel Plan submitted with this application. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.
- 15) The Travel Plan Coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar (to be approved) to the Local Planning Authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the

monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.

- 16) The development shall be carried out in accordance with the precautionary recommendations detailed in the RammSanderson Ecological Appraisal dated July 2016 and, in the event that the planning permission is not implemented within 1 year of the date of the planning permission being granted a further protected species survey shall be carried out and submitted to the Local Planning Authority. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.
- 17) Before any work is carried out to any of the trees referred to in the application, a survey shall be carried out and submitted to the Borough Council to establish the existence of nesting birds. In the event of evidence of nesting birds being found, no works to the trees shall be carried out between the beginning of March and the end of September.

Richborough Estates