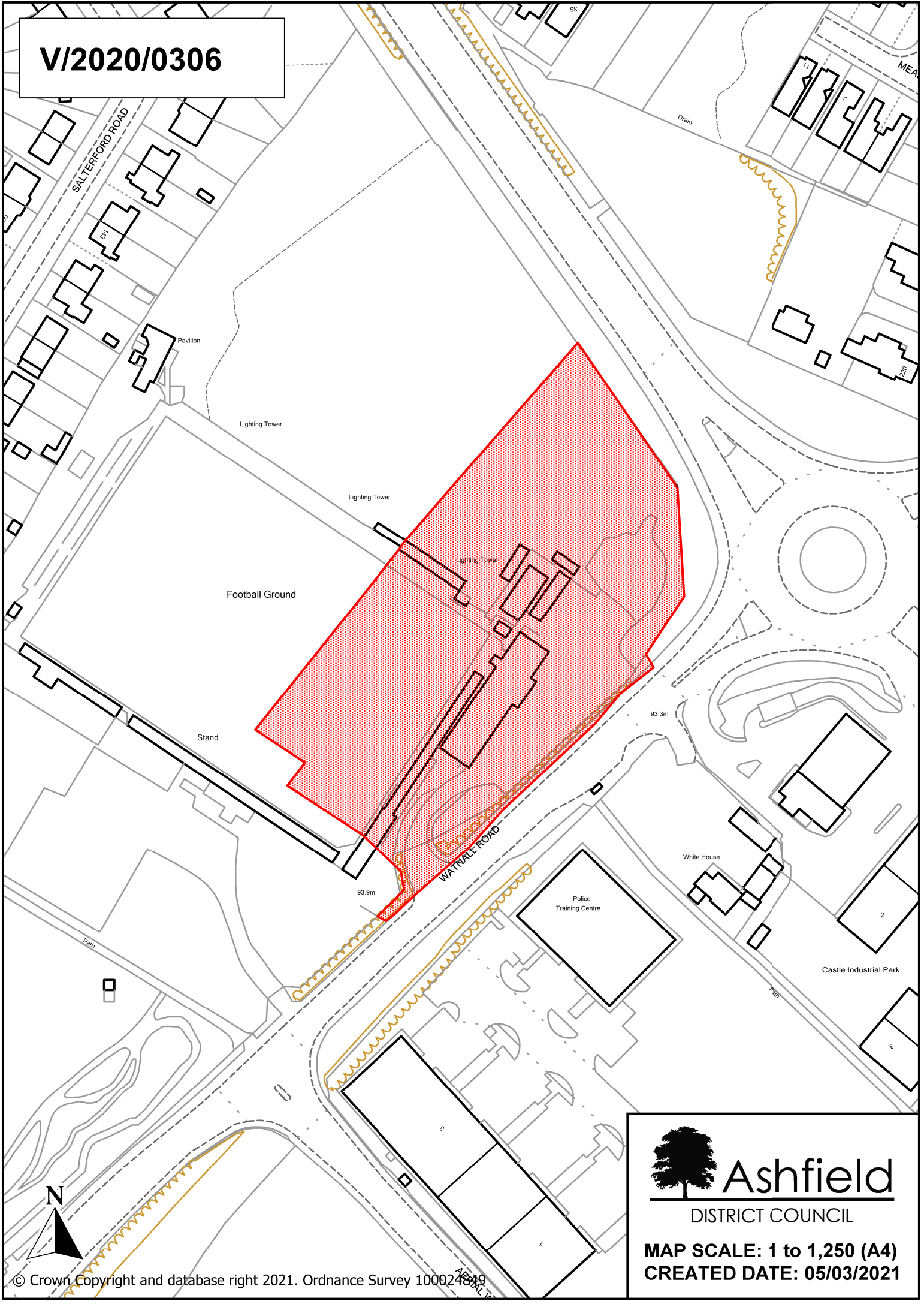


V/2020/0306



Ashfield

DISTRICT COUNCIL

**MAP SCALE: 1 to 1,250 (A4)
CREATED DATE: 05/03/2021**

<u>COMMITTEE DATE</u>	17 th March 2021	<u>WARD</u>	Hucknall West
<u>APP REF</u>	V/2020/0306		
<u>APPLICANT</u>	Lidl GB Ltd		
<u>PROPOSAL</u>	Demolition of Existing Building and Creation of Food Store (A1), Access, Landscaping and Associated Infrastructure		
<u>LOCATION</u>	Hucknall Town Football Club, Watnall Road, Hucknall, Nottingham, NG15 6EY		
<u>WEB LINK</u>	https://www.google.com/maps/@53.0285873,-1.2184157,17z		

BACKGROUND PAPERS A B C D E F I

App Registered 28/05/2020

Expiry Date 27/08/2020

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Baron to discuss highways concerns, use of public protected open space and the impact on the town centre retail provision

The Application

This is an application for demolition of the existing building and creation of a food store (A1), access, landscaping and associated Infrastructure. The proposed food store will have a gross internal floorspace of 1,905sqm and will be served by a total of 124 car parking spaces.

On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force, amending the Town and Country Planning (Use Classes) Order 1987. These Regulations have revoked Class A which has largely been replaced with a broader 'Commercial, business and service' use class (E). Part 4 of the regulations set out that this application must be determined upon the basis of the previous use class.

The final list of **plans** for consideration are as follows:

- Site Location Plan A-PL-001 Rev A
- Existing Site Plan A-PL-002 Rev A
- Proposed Site Plan A-PL-003 Rev J

- Proposed Store Plan A-PL-004 Rev B
- Proposed Store Roof Plan A-PL-005 Rev C
- Proposed Store Elevations A-PL-006 Rev B
- Proposed Site / Building Sections A-PL-007 Rev D
- External Works Detail Sheet 1 A-PL-008 Rev B
- External Works Detail Sheet 2 A-PL-009 Rev A
- Surface Treatment Plan A-PL-010 Rev H
- Proposed Boundary Treatment A-PL-011 Rev H
- Landscape Masterplan1085 LWR 01 Rev E

The Site

The application site is located at the junction of Watnall Road (B6009) and the A611 in Hucknall. The site comprises the south-eastern corner of the Hucknall Town Football Club (HTFC) grounds, and broadly where the existing club buildings and car parking/hardstanding are located. The site is circa 0.9ha in size.

The site has a long planning history, which is set out below. Most pertinently, the site currently has an Outline Planning Permission for residential development and B1 Business Use.

Planning History for site

- V/1998/0636** - Outline planning application for residential development and restaurant/pub/diner. **Refused 28 October 1999.**
- V/2006/0517** – Full application for residential development and relocation of Hucknall Town Football Club. **Refused 12 October 2006.**
- V/2009/0452** – Outline application for mixed use development comprising 108 dwellings with (B1) business units. Approved on 12 January, 2012. Subject to a S106 Legal Agreement.
- V/2016/0619** – Outline application with some matters reserved for mixed use development comprising of residential development and business use (B1). **Approved 12th November 2019.** This granted permission for a new vehicular access off Watnall Road, with the outline consent for up to 108 dwellings and B1 business use.

Other Applications

- V/2017/0014** - A Reserved Matters Application for 108 Dwellings (outline V/2009/0452 refers). **Application finally disposed of on the 10th March 2020.**

V/2017/0239 - Section 106A Application Relating to Planning Permission V/2009/0452 to (1) Modify the Agreement in Relation to the Payment of Off Site Contributions As Set Out in the First Schedule and (2) Discharge the Requirements in Relation to Affordable Housing. **Application finally disposed of on the 10th March 2020.**

Planning History on the new football ground site (located to the south of Watnall Road, off Aerial Way)

V/2009/0453 – Full application for construction of replacement football ground with training pitch, ancillary club area, changing facilities and car and coach park. New employment units for b1, b2 and b8 uses and engineering works. **Approved on 12 January, 2012.** Subject to a S106 Legal Agreement. This has now lapsed and was replaced by V/2016/0515.

V/2016/0515 – Full application for construction of football ground with clubhouse and spectator facilities. Including spectator stands, 3no. portable wc buildings, hospitality box, turnstiles and associated facilities incorporating training pitch, car and coach parking and servicing areas, groundsman's store proposed communal building for use with b1 or as a trade sale counter and showroom; engineering works to reprofile existing ground contours and formatting access road to remove turning head. (which has been partially implemented) **Approved on 7 April 2017.** Subject to a S106 Legal Agreement. This permission was implemented and the works have been commenced.

V/2018/0586 - Construction of West Stand, Clubhouse, and 2 Community Changing Rooms. **Approved 12th November 2019.** Subject to a S106 Agreement linking into V/2016/0515.

This is a planning application seeking to erect smaller buildings than previously granted planning permission and to provide new community changing facilities alongside the training pitch. The main changes were the reduction in height of the club house and the provision of community changing facilities.

Consultations

A site notice and press notice have been posted together with individual notification of surrounding residents. Amended plans were received during the course of the application, which included minor amendments to the site layout, parking, access

arrangements and landscaping. It was considered unnecessary to reconsult residents again on the basis of the changes, as the scheme remained substantially the same. Below, is a list of comments received from consultees in response to the application:

Ashfield District Council (A.D.C) Planning Policy

- The development plan comprises the saved policies within the Ashfield Local Plan Review 2002 (ALPR). Weight can be attached to policies dependent upon their alignment with the NPPF. The most important local plan policies should be viewed together and an overall judgement made whether the policies as a whole are out of date.
- Part of the site is an employment allocation and, therefore, Policies EM1 and EM4 will be applicable. However, it is acknowledged that there is a limited case for retaining the employment allocation given the evidence and the provisions of NPPF paragraph 120.
- The site is also subject to Policy RC3, which is considered consistent with the provisions of the NPPF paragraph 96 and 97. To meet the provisions of the policy, it is important that the alternative site providing recreational facilities of Aerial Way are available including for community use.
- It will be necessary for the applicant to demonstrate that the sequential test set out by NPPF paragraph 86, 87 and 90 and the supporting planning practice guidance has been met.
- The site is located in Flood Zone 1. The NPPF requires the use of SuDS unless it can be clearly evidenced that this is inappropriate.
- If it is minded to grant permission, in principle, ALPR Policy SH8 will be relevant to design consideration. The NPPF places substantial emphasises on the importance of good design with the creation of high quality buildings and places (NPPF paragraph 124). This has been further emphasised by the Planning Practice Guidance on Design.
- The ALPR Transport policies set out in TR2 cycling, TR3, pedestrians and TR6 will be applicable to the application.
- To enhance the natural and local environment, the Ecology Report recommends that wild thyme and common broomrape be translocated with the appropriate subsoils to an alternative site

A.D.C Environmental Health (Air Quality)

Having reviewed the Air Quality Assessment Reference 102318V2 submitted by Miller Goodall on the 21th May 2020, the Environmental Protection Team offers no objection

to the granting of Planning Permission, but request a condition ensuring the dust mitigation measures are implemented.

A.D.C Environmental Health (Noise)

No objections to the scheme, but recommends conditions are attached relating to construction operating hours, delivery times, noise and lighting.

A.D.C Environmental Health (Land Contamination)

The desk study is acceptable, but the site investigation report is not complete (awaiting further rounds of ground gas monitoring). A condition is therefore recommended to ensure the site is properly remediated.

A.D.C Landscaping

The Councils landscaping team have requested clarification/additional details relating to the landscape masterplan, surface treatment plan and boundary treatments.

Environment Agency

The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

There are also no other environmental constraints associated with the site and therefore we have no further comments to make.

Local Lead Flood Authority

Content with the submitted Flood Risk Assessment and Drainage Strategy.

Natural England

No comments.

Clinical Commissioning Group

As this is not proposing residential development, no contributions are being sought.

Nottinghamshire County Council (NCC)

Comments have been received from NCC planning policy setting out their strategic observations for the relevant areas that fall under their remit:

- *Minerals* – No objections.

- *Waste* - There are no existing waste sites within the vicinity. It would be useful for the application to be supported by a waste audit.
- *Heritage* - This site does not contain any built heritage assets. It is immediately opposite the site of the historic coal mine workings of Hucknall Colliery No. 1. Development in this location could take the opportunity to include reference to this industrial heritage of the area.
- *Strategic Highways* – No observations.
- *Public Health* – Recommends the Nottinghamshire Spatial Health and Planning Framework is completed.
- *Travel and Transport* - Request a planning obligation of £18,000 for bus stop infrastructure. This would be used to provide improvements to the two bus stops AS0416 and AS0417, Football Ground. A funding contribution of £10,000 to support the work of the Our Centre Community Transport Scheme is also requested.

The Highways Authority (NCC)

The Highway Authority have no objections to the development, subject to a Section 106 obligation, conditions and informative notes to the applicant.

Nottinghamshire Wildlife Trust

An ecological survey should be submitted.

Sports England

Sport England does not wish to raise an objection to this application, subject to the development ensuring the delivery of the outstanding ancillary facilities at the Aerial way site.

Local Community

A total of 76 responses have been received on the application.

Support

Out of these 66 are letters of support on the grounds that:

Impact on Ecology and Pollution

- The store will include low carbon solutions to help the environment;
- Inclusion of electric charging points;

Impact of the development on infrastructure and services

- Not enough shops in the area so will provide more choice for the residents of Hucknall;
- Will create the provision of jobs in the area;

- Another shop is needed to keep up with the growing population of Hucknall;
- It will help out the local football club;
- The two big supermarkets in Hucknall bottom end of the town (Tesco & Aldi) so it would be good to have a shop nearer to some of the other houses;
- Allows residents to shop for more affordable food;
- The shop will help with Hucknall's economy in general;
- Very little amenities in relation to population size so Lidl is a welcome addition;
- It will give the football club funding for a new build;
- The two smaller shops in the area (Sainsburys & Co-Op) have a monopoly in the area and charge high prices. Lidl can provide a low price alternative;

Highways Safety and Access

- Residents would like to see a pedestrian crossing put in place near the bus stop if the development is to go ahead;
- The traffic coped during home match days for Hucknall Town Football Club, it will be able to cope with this new shop;

Object

10 of these were objecting on the grounds that:

Impact on Ecology and Pollution

- The increased noise pollution from the development;
- A bat survey should be completed as there are bats in the area;
- Increased pollution in the area and impact on air quality;
- Dust in the area created by the development;

Impact of the development on infrastructure and services

- The town already has numerous super markets and doesn't need another one;
- The town centre has already suffered due to the large number of supermarkets;
- Loss of a football field used by the community;
- Loss of green space;
- Great impact on small businesses that are already struggling;

Highways Safety and Access

- Concerns about access from Watnall Road as during peak times this will cause extra congestion;
- The road is already busy, the Lidl shop will only add to this;
- The access from Watnall Road should be changed;
- Traffic should have to enter from the bypass and exit left on to the bypass;
- There needs to be an improvement to the existing roads before the development goes ahead;
- The houses approved by the old fire station will only add to the congestion if this goes ahead;
- Emergency vehicles will have trouble getting down the road during peak times;

Other Comments

- The land should be used for something more useful such as houses;
- The de-valuation of nearby residents homes;
- Lack of public consultation during the COVID 19 pandemic;

Policy

Under the Planning and Compulsory Purchase Act 2004, section 38(6) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies). The National Planning Policy Framework (NPPF) is a material consideration.

The following ALPR 'saved' policies are considered relevant to the application:-

Policy ST1: Development.

Policy ST2: Main Urban Areas.

Policy EM4: Protection of Employment Allocations.

Policy SH1: District Shopping Centres

Policy SH5: Retail development to meet local needs.

Policy SH8: Commercial/Retail Development.

Policy RC3: Formal Open Space

Policy TR2: Cycling provision in new developments.

Policy TR3: Pedestrians and people with limited mobility.

Policy TR6: Developer contributions to transport improvements.

There is no neighbourhood plan relating to the area in question.

Material considerations

National Planning Policy Framework (NPPF) policies relevant to the application are:

Para 11: Sustainable Development.

Part 4: Decision Making

Part 7: Ensuring the Vitality of Town Centres.

Part 8: Promoting healthy and safe communities.

Part 9: Promoting sustainable transport.

Part 12: Achieving well designed places.

Part 14: Meeting the challenge of climate change, flooding and coastal change.

Part 15: Conserving and enhancing the natural environment

The NPPF at paragraph 3 identifies that the NPPF should be read as a whole including its footnotes and annexes.

Environmental Impact Assessment

The site area of the development (0.91ha) sits below the indicative screening threshold (1ha) for Urban Development projects in Schedule 2 of the EIA Regulations. Accordingly, the proposal is not EIA development.

Main Issues

The principle considerations in the determination of this planning application are:

1. Principle of development – Loss of Employment Land and Protected Open Space.
2. Retail Suitability – Sequential Test and Retail Impact Assessment.
3. Highways Safety.
4. Residential Amenity.
5. Layout and Design.
6. Other Issues: Flooding and Drainage, Land Contamination, Air Quality, Ecology, Climate Change, Heritage, Economic Benefits and Health Impact Statement.
7. Developer Contributions.
8. Overall Conclusions and Planning Balance

1. Principle of Development

The site is located within the Main Urban Area, as identified by Policy ST2 of the Ashfield Local Plan Review (ALPR) (2002). It is also allocated for employment (EM1 Hd) and open space uses (RC3 HI) in the ALPR.

Loss of Existing Ground/Formal Open Space

Planning application V/2016/0515 approved on 7th April 2017 proposes the construction of a new football ground which has been partially developed with the laying of the football pitch and erection of floodlights. The new pitch is currently in place and available for use by HTFC. A revised application V/2018/0586 for the Construction of West Stand, Clubhouse and 2 Community Changing Rooms has been approved. This is linked to the Outline permission for residential development of the land.

Policy RC3 of the ALPR states that development that leads to the loss of formal open space (the existing ground is identified as formal open space HI) will only be permitted subject to certain criteria. This Policy is considered to be consistent with NPPF paragraph 97

Criterion C of Policy RC3 allows the loss of open space, subject to adequate replacement provision of new formal open space being provided in the locality. Due to the close proximity of the replacement football ground to the existing site, on the opposite side of Watnall Road, the policy is considered to have been met. This has been accepted in previous planning permissions and the development of the football ground has commenced.

A Section 106 agreement will need to be signed, which shall provide that no development shall commence, nor shall the existing football grounds be demolished, until the proposed new football ground and buildings are built and ready for use. This will ensure the provision of the facilities that were originally to be provided for the football club in relation to previous permissions and the requirements of Policy RC3 are therefore met.

Loss of Employment Land

As part of the site is allocated for employment purposes under Policy EM1(hd). Policy EM4 protects employment allocations, stating that alternative uses of allocated employment sites will not be permitted. The ALPR identifies that for the purposes of the Plan the term employment will normally refer to land intended for uses within Classes B1, B2 and B8. Sui generis employment may be appropriate, subject to normal planning considerations. Whilst class B1 has been revoked and is now incorporated into Class E, Class B2 and B8 nevertheless remain applicable.

Policy EM1 is considered to be consistent with the NPPF, which encourages the identification of strategic sites for local and inward investment as well as a planning system that is genuinely plan-led, i.e. the right development in the right place. Policy EM4 is a protective policy that prohibits proposals for alternative uses of allocated employment sites. It is acknowledged that this policy is inconsistent with the NPPF because it applies a rigid and inflexible approach to protecting the allocation. In particular, it is inconsistent with the advice set out in NPPF paragraphs 81 (d) and paragraph 120.

Paragraph 120 highlights the fact that planning decisions need to reflect changes in the demand for land and that they should be informed by regular reviews. These reviews include land allocated for development as well as land availability. Where there is 'no reasonable prospect' of an application coming forward for an allocated use then applications for alternative uses should be supported, where the proposed use would contribute to 'meeting an unmet need' for development in an area.

The evidence base identifies that there is an on-going need in Ashfield for employment land. The Employment Land Forecasting Study (ELFS) 2015, encompassing the Nottingham Core HMA and Nottingham Outer HMA was prepared by Nathaniel Lichfield and Partners (NLP). Ashfield, and therefore, Hucknall, is included within the Nottingham Outer HMA. The ELFS identifies, for Ashfield, an anticipated employment land requirement between approximately 59 ha and 132 ha, the latter reflecting past completions. Taking the lower demand will result in an excess supply of employment sites, taking the higher demand results in an inadequate supply of sites.

The Ashfield District Council Employment Land Monitoring Report (2020) establishes the latest position in respect employment land requirements in table 9. This establishes a requirement of 18.17ha in Hucknall for B1c/B2/B8 against a supply of allocated sites of 26.10ha. It is also noted that a recent application Ref - V/2020/0553 has been lodged to replace approved employment land within the Rolls Royce site to housing.

The applicant has submitted no information relating to marketing of the site for employment purposes, it is also arguable as to whether the store is meeting an unmet need. The proposal is thus considered to be contrary to policies EM1 and EM4 of the ALPR. It is also inconsistent with the advice contained within the NPPF paragraph 120. However, in this case, the proposed employment allocation amounts to 0.6ha, comprising

a very small percentage of Hucknall's employment floor space. It also does not represent, or form, part of a premier employment allocation. In view of the characteristics/size of the site and the current position in respect of employment land availability – it is considered that an argument on the grounds of a loss of employment land, contrary to Policies EM1 and EM4, may be difficult to sustain in this case.

2. Retail Suitability

Local Plan Policies

Policy SH1 identifies suitable uses with the town centres as defined on the proposals map with retail development sites being identified in Policy SH2. The application site is not located within, or edge, of the town centre.

Policy SH5 on minor shopping centres and single shops identifies that retail development will be permitted to meet local shopping needs where it is primarily involves the sale of convenience goods and the net retail floor space is under 500 sq m. The proposed application does not meet this requirement.

Sequential Test

Paragraphs 86-87 of the NPPF require the sequential approach to site selection to be applied to all development proposals for main town centre uses that are not in an identified centre and not in accordance with an up to date Development Plan.

The NPPF states that applications for main town centre uses should be in town centres, then edge of centre locations, and only if suitable sites are not available within a reasonable period, should out-of-centre sites be considered. Paragraph 87 sets out that when considering edge of centre or out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 90 states that where an application fails to satisfy the sequential test it should be refused. This approach supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

Paragraph 011 of the Planning Practice Guidance Town Centre and Retail (Reference ID: 2b-011-20190722) considers the scope for flexibility in scale and format when assessing the 'suitability' of sites, stating that:

'It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal'

The PPG also summarises the correct approach to the interpretation of the 'availability' of sites:

'When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account'.

The application site is considered to be within an 'out-of-centre' location and as such a sequential test is required by the applicant. The Planning Statement lists a number of sites, which were discussed at pre-application stage with the Council. These are:

1. Piggins Croft car park;
2. Hucknall Liberal Club;
3. Sandcliffe Ford site;
4. Tag Building, Watnall Road;
5. Hucknall Police Station; and
6. Land off Ashgate Road.

External independent advice was received from a retail planning consultant on the sequential test. In summary, the advice set out the only site considered potentially suitable/available was the Sandcliffe Ford site. However, since this advice was received Lidl made an offer for this alternative site, which was rejected. A review of the potential sequentially preferable sites is set out as follows:

Sites 2 (Hucknall Liberal Club) and 4 (Tag Building, Watnall Road) are in sequentially preferable locations; however, each are significantly below the size of the application proposals. Hucknall Liberal Club measures just 0.1ha, and so would not be able to accommodate the store itself, even allowing for shared parking facilities to be provided separately within the town centre. Equally, at just 0.4ha, the Tag Building on Watnall Road could not realistically accommodate the application proposal, even allowing for a degree of flexibility.

Notably, the Planning Statement fails to consider sites 5 (Hucknall Police Station) and 6 (Land off Ashgate Road) of the agreed list. Nonetheless, these have been considered:

Piggins Croft

The entirety of the Piggins Croft area available for redevelopment measures around 2ha and comprises a public car park and a number of town centre units extending up to the High Street across multiple ownerships, including both B&M and Wilko. The area has been subject to longstanding ambitions for a comprehensive masterplanned redevelopment to provide a greater draw through increased accessibility, walkability and active frontages towards the north of the town centre. In this case, however, it is considered that the site would not be available within a reasonable period. This is due to the multiple ownerships involved in acquiring the site.

The Council also requested that the Piggins Croft car park be considered in isolation, as this is within a single ownership, in a sequentially preferable location and measures over 0.7ha, which (on the face of it) would be large enough to accommodate the application

proposal. Whilst, it is not agreed with all of the applicants suggested justification for dismissing the site, it is accepted that the level of parking dedicated to the foodstore would be significantly less than the application proposal, even allowing for decked parking to increase the retained public parking for visitors to the town centre. The site is therefore considered to be unsuitable.

Sandcliffe Ford site

This former car dealership is located just 100m from the southern boundary of Hucknall Major District Centre, having been vacated in February 2020 as part of the restructuring of the Sandcliffe dealership. Prior to its occupation as a car sales dealership, the 2.3ha site was occupied by a petrol filling station (ref: V/2013/0058). The site is directly accessed from Portland Road.

The applicant has submitted information to demonstrate that the site is unsuitable for the proposed development; however, the Council disagree with this submission and considers that, in principle, the site would be suitable for the development proposed. Subject to sensitive design considerations and addressing any highways issues.

The site is also currently being marketed as 'to-let'. However, Lidl have provided evidence to show they have made an offer for the freehold of the site, which was rejected. The evidence provided by Lidl sets out that the landowners immediate intention is not to redevelop/dispose of the site and that the occupier must use the existing buildings. As such, and even allowing for a degree of flexibility, the site without being redeveloped could not realistically support the development proposals. Based on this evidence, it is considered that the site is not available (or expected to become available within a reasonable period) for the development.

Hucknall Police Station

The Council also requested that the applicant look into the Police Station on Watnall Road; however, it is considered that the site area (0.5ha) is below that required to offer realistic potential as a suitable site for the application proposal.

Land off Ashgate Road

This vacant site is located within Hucknall Major District Centre, adjacent to the train station car park and opposite Tesco Extra. The site measures approximately 0.3ha and appear to be informally used for private vehicle storage. Whilst, the site is vacant and seemingly available, the narrow and angular shape of the site and the total available area render the site unsuitable for the development proposed.

Summary

An assessment of potentially sequentially preferable sites has been carried out by the applicant. This has been subject to a robust assessment by the Council and an external

retail planning consultant. It is considered that, at this present time, there are no other sequentially preferable locations within or on the edge of the town centre that are suitable and/or available to accommodate the proposed development. It is therefore considered that the application passes the sequential test in accordance with Paragraphs 86-87 of the NPPF.

Retail Impact

The purpose of the retail impact test is to consider the impact over time of out of centre and edge of centre proposals on town centre vitality/viability and investment. Whilst the application proposal falls below the threshold of 2,500 sqm set out in paragraph 89 of the NPPF, for which a retail impact assessment should be provided, it should not be read that developments less than 2,500 sqm cannot result in a significantly adverse impact on relevant designated centres. Retail impact therefore remains a relevant material consideration .

The applicant has not provided any quantitative evidence of the retail impact of the development on nearby designated centres. In the circumstances, the Council has commissioned an independent appraisal of the developments impacts. The findings set out in the Table below, identify the following impacts on each of the centres by 2025.

Figure 3: Solus Impact (2025)

Location	Convenience Impact	Comparison Impact	Combined Impact
Hucknall Major District Centre	9.9%	2.5%	5.3%
Watnall Road Local Shopping Centre	4.2%	0.7%	1.5%
Annesley Road Local Shopping Centre	2.8%	0.02%	0.05%

The report is dated September 2020, with the retail vacancy survey carried out just after the relaxation of lockdown restrictions necessitated by Covid-19. Although this impact is still somewhat of an unknown factor, especially as we emerge from the latest lockdown, the assessments provides what would be considered to be the best data available at this time.

The appraisal looked at the health of each of the designated centres and concludes that the proposal is unlikely to result in business closures in any of them. As such it suggests that the adverse impact would cross the threshold to a 'significantly averse' impact on the vitality and viability of the designated centres. Accordingly, based on this independent evidence, it is considered that the application passes the retail impact test in accordance with NPPF paragraph 89.

3. Highways Safety

The application has been subject to much discussion with the Highways Authority (HA) in regard to trip generation, pass-by and diverted traffic along with the proper

consideration of committed development flows. These matters are now broadly agreed and junction assessments have been carried out. Below sets out a summary of the position of the assessment, as advised by the HA:

Traffic Flows

The traffic surveys have been agreed with the HA. This includes background traffic growth and committed flows from other developments. The assessment work also provides revised forecasting for new flows associated with the Rolls Royce site to ensure accuracy.

Trip Rates/Generations:

The trip rates and study area are considered to be acceptable to the HA. This includes the use of a nearby sites trip rates (Alvaston) during the peak PM period, as these are considered to be more representative of rates from the store. The forecasts predict a higher level of traffic having origins and destinations to the west.

Access Layout Proposals

The HA has made clear that a single lane exit from the store is not appropriate and the applicant has revised the access layout. Visibility splays have been provided and will need to fall across highway land.

The HA have advised that the existing footway/cycleway to the west of the access measures at 2.7 metres in width. The drawings indicate a replacement 2-metre footway, which is only suitable for a footway and not the existing shared use facility. This is unacceptable and a replacement 2.7 metre facility is required to overcome this. Additionally, the swept path analysis indicates HGV are close to the kerbs when entering Watnall Road and minor amendments to the highway access may therefore be required at detailed design stage.

In consideration of the above, the access layout drawing can only be considered as indicative. The Highways Authority have recommended a condition be used and it is considered that this would satisfy the tests as set out in paragraph 55 of the NPPF.

Junction Modelling

Nabbs Lane

Unfortunately, the latest highways technical note does not fully reflect the discussions held with NCC . Therefore, the approach taken with the modelling is not agreed.

Considering the Nabbs Lane junction, there are well documented issues with the junction performance due to the many opportunities for the approaching traffic stream to be interrupted (turns into/ out of Ruffs Drive and the shopping precinct) meaning that the

theoretical saturation flow capacity of the Watnall Road west stop line is rarely achieved in practice. Given the random occurrence of these gaps, a representative saturation flow for the west approach is difficult to estimate for the whole hour modelled but it should be accounted for – if only so that the queues reported in the modelling reflect what we are seeing on site.

Notwithstanding the above, the HA have considered the interaction between Nabbs Lane and the new site access. Even with the errors in the model, the queue length at the Nabbs Lane eastern arm stop line are predicted to go beyond the new site access in both AM and PM peaks. This is likely to hinder vehicles from turning right out of the access. Not only will this have an impact on vehicles being subsequently unable to leave the store car park, creating issues for the development itself, but it also raises safety concerns on two counts:

- Due to the excessive width required to accommodate servicing HGVs, left turning drivers may attempt to pass right turning vehicles on the nearside due to frustration. This is a safety issue as their visibility of oncoming traffic will be obstructed by the right turning vehicle.
- Should drivers attempt to pull out waiting for a gap in the queue, part of the vehicle is likely to remain obstructing the eastbound lane. This is also considered to be an unacceptable safety concern.

Should the model be corrected, the assessment at Nabbs Lane may show a further increase in this queueing. The additional numbers of vehicles new to the local network by virtue of the proposed store are relatively low, but nonetheless the development adds to the cumulative impact on this junction which currently has no options for improvement, due to land constraints. As such, there is a significant risk that strategic sites in this area will either be prejudiced, or create further queueing and congestion in this area.

The ultimate solution would be to widen the eastern approach to allow two lanes from the A611 roundabout with a right turn lane in to Nabbs Lane. It is not considered proportionate for this development to provide these works, but it is understood that the current landowner also owns the land on the southeast side of Watnall Road and this land would enable the required works to significantly improve the capacity at the Nabbs Lane junction.

The HA therefore request that the landowner dedicates a suitable swathe of this land as highway to ensure that the works that address this development's cumulative impact and the safety issue at the access with Watnall Road can be provided as part of other strategic developments. Without this land, the HA would be minded to object to the development.

A611 / Watnall Road Roundabout

The assessment carried out for this development demonstrates that widen works are required to the roundabout. These are shown on drawing number VN91493/D110 rev E and are to be subject to a planning condition.

Summary

The impact of the development on the highway network has been assessed by the applicant and the Highways Authority have raised no objections, subject to conditions and a planning obligation securing land for future improvements to the Nabbs Lane junction. Subject to this, it is considered that there would not be an unacceptable impact on highway safety or that the residual, cumulative impacts on the road network would be severe. The proposal would therefore not be contrary to saved policy ST1(c) of the ALPR that seeks to ensure that development does not adversely affect highway safety or the capacity of the wider transport system and it would also be consistent with paragraph 109 of the Framework.

4. Residential Amenity

The site is currently separated from established residential uses by roads and / or open space and landscape buffers. However, planning permission exists for new residential development on the wider HTFC site. The application has been supported by a Noise Assessment, which specifically considers plant and delivery noise generation and recommended an acoustic fence be erected around the plant compound.

The site layout includes landscaping along the north western boundary, beyond which sits the rear elevation of the store. The service dock sits adjacent to the north eastern boundary with the A611. There is nothing intrinsic within the layout to suggest it would give rise to noise disturbance to future residential dwellings.

The Councils Environmental Health Officer has reviewed the submitted Noise Impact Assessment and raises no objections, subject to imposition of conditions to control construction hours and also delivery times from Monday to Sunday between 0700hrs and 2300hrs. It is considered that the construction hours can be controlled through a construction management plan submitted prior to commencement of works. A condition controlling delivery times is reasonable when considering the extant permission for housing on the wider site.

It is considered that the development of a retail store in this location, and in the format proposed, would not give rise for residential amenity concerns by way of increased noise disturbances and comings and goings. The development is also unlikely to create significant issues for the future residential development of the neighbouring land.

5. Layout and Design

ALPR Policy SH8 and ST1 are important in relation to design considerations. Paragraphs 124 – 132 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

The site is edged by Watnall Road to the south with mainly industrial uses opposite the site on Watnall Road, including a petrol filling station. The A611 is to the east. Immediately, to the north and west of the site is open space, forming part of the football club land.

The store is set to the northern corner of the application site with parking found directly to the front and west of the building. Vehicular access is taken from Watnall Road, where a separate pedestrian access is also provided. There are existing areas of mature landscaping adjacent to the site boundary that will substantially screen the proposals from the A611 and the roundabout. The submitted section plans show that levels will be reduced to be more consistent with Watnall Road.

The food store will be constructed with a steel frame structure and a metal clad asymmetric sloping roof. Brick has been included to the front and side elevations. With the entrance being comprised of expanses of glazing with powder coated steel frames. The store design is typical of many modern retail stores of this type.

The landscaping plans have been subject to revision, with the proposal now including tree planting with the car parking area and also increased tree planting along the road frontages. These will serve to soften the impact of the development. A boundary plan has also been submitted; however, further clarification is needed to the boundary treatment along Watnall Road and as such a condition is recommended.

It is considered that the layout, appearance, scale and siting of the development is acceptable and that it would not result in undue harm to the character and appearance of the area. Accordingly, the proposal would be in accordance with policies SH8 and ST1 of the ALPR.

6. Other Issues

Flooding and Drainage

A Flood Risk Assessment and Drainage Strategy (FRA) has been submitted in support of the application. In summary, the FRA identifies that the site lies within Flood Zone 1 and is therefore at very low risk of flooding. The FRA confirms that the site is at very low risk of surface water flooding and no risk of ground water flooding or flooding from reservoirs. The FRA states that SuDS will be utilised on the site to manage the quantity of surface water runoff by the provision of below ground attenuation. The Local Lead Flood Authority have reviewed the documents and raised no concerns.

Land Contamination

Phase 1 and Phase 11 site investigation studies have been submitted with the application. The Phase II investigation concludes that there are 3no. identified contamination linkages related to elevated levels of land gas, and that the installation of gas protection measures will be required. The Phase II recommends that a remediation strategy will be required along with verification of the work undertaken.

The Councils Environmental Health team has advised that the desk study is acceptable but the site investigation report is not complete (awaiting further rounds of ground gas monitoring). Therefore a condition is recommended (condition 7) to ensure the site is properly remediated.

Air Quality

The applicant has submitted an Air Quality Assessment. The report concludes that the impact of emissions from traffic associated with the proposed development on local air quality, at relevant receptors close to the road network surrounding the site, is negligible. The report has been reviewed by the Councils Environmental Protection Team, whom offer no objections to granting of planning permission, subject to a condition requiring the dust mitigation measures to be implemented during construction. On the basis of this evidence, there is no reason to refuse the application on the grounds of air quality.

Ecology

The Council is under a duty under section 40 of the Natural Environment and Rural Communities Act 2006 “to have regard” to the conservation of biodiversity in England, when carrying out their normal functions.

The applicant has submitted an up-to-date Ecological Appraisal to support the application. This includes a bat roosting assessment of the buildings to be demolished. On the basis of the evidence submitted, the application raises no significant concerns regarding adverse impact on protected species, habitats or designated sites. The Ecological report, in section 63.11, sets out recommendations for the relocation of broomrape and wild thyme. The applicant has confirmed these will be relocated at the new Hucknall Town Football Club site off Aerial Way

A condition is also recommended to ensure the recommendations and mitigation measures contained within the Ecological Appraisal are adhered to. On the basis of these measures, it is considered that the development would be consistent with paragraph 175 of the NPPF, which sets out principles for the protection of biodiversity.

Climate Change

An Energy Statement has been submitted in support of the application. This demonstrates that the store will incorporate passive design strategies to take advantage of natural daylight, enhanced fabric efficiencies and thermal mass and reduced environmental impacts associated with building materials. It also sets out that the proposed store will also incorporate active design strategies to reduce energy consumption by introducing heat recovery ventilation to pre-heat incoming fresh air, installing low energy lighting with controls to eliminate human error and through the design and installation of a Building Energy Management System to ensure efficiencies are maintained and achieved.

Following negotiation with the applicant, they have confirmed that PV panels will be added to the roof. The proposed PV design will generate 152,650kWh per year. Using the Government's CO₂ conversion factor 2020 of 0.233 this will save 35.57 tonnes of CO₂ emissions per year. The number of electric charging spaces area has also been increased from two to four spaces and the applicant will provide the necessary infrastructure so that this can be increased further in the future. These measures all seek to reduce the carbon footprint of the scheme in accordance with the environmental objective of sustainable development, as set out in the NPPF.

Heritage

There are no designated or non-designated heritage assets located on the site. The development would also not affect the setting of any designated, nor non-designated heritage assets due to the sites location.

Economic Benefits

Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The applicant has provided an Economic statement setting out the benefits of the proposed development. This sets out there would be temporary benefits during the construction phase, along with the following permanent economic benefits:

- 40 full-time equivalent permanent jobs on site, with an additional 6 being created in the supply chain
- Gross value added to the economy of £2 million per annum in perpetuity.
- Additional expenditure in the local economy of £38,419 annually in perpetuity.
- New business rates payable to the Local Authority of c.£64,328 per annum.

Health Impact Statement

The applicant has submitted a Health Impact Statement, which concludes that the development would have an overall positive impact on the health outcomes of the community. The benefits of the scheme are set out as such:

- Enhanced interaction between members of the community through consideration of accessibility, promoting inclusivity;
- Improved local employment and upskilling opportunities;
- Promotion of active transport through both pedestrian links and cycling infrastructure for staff and patrons;
- Offering fresh food at competitive prices to enable greater access to healthy food options;
- Implementation of sustainable design measures to reduce the environmental impacts of the store.

7. Developer Contributions

The requirements of the CIL Regulations are that a planning obligation can only be a reason to grant planning permission provided that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The following developer contributions are required:

- Bus Stops - £18,000.

This contributions be used to provide improvements to the two bus stops: AS0416 and AS0417 Football Ground. The improvements are considered necessary to support the development, are located within the proximity of the site and the figure is reasonable.

- Community Transport - £10,000.

The contribution is to be used towards local Community Transport provider, Our Centre. This operates a Community Transport social car scheme, minibus and Ring & Ride scheme providing registered users who do not have access to, or use of a private vehicle, access to key services including shopping. It provides safe, affordable transport to meet the needs of people who experience difficulty in using /accessing transport due to age, disability, health, poor mobility or lack of suitable transport services. A third of passengers use community transport for shopping.

The transport scheme would bring customers to the new store, who would otherwise not be able to visit. A funding contribution is to be used towards the costs to manage, operate and promote the scheme including vehicle replacement, and provide journeys to and from the development. This contribution is considered necessary to support the development, is directly related and is also reasonable in kind and scale.

- Hucknall Town Centre Public Realm Contribution - £72,000.

Planning permission V/2016/0619 has a Section 106 agreement attached, which provides for a contribution of 50k towards Hucknall town centre public realm improvements. This contribution is directly linked to the B1 industrial use. The proposed

retail use would occupy roughly where the B1 use was indicated on the Outline consent and therefore in affect serves to replace that.

The contribution is required to be increased, as the development of a retail store would clearly have a greater adverse impact on the town centre than an industrial use. Although, this does not cross the significantly adverse threshold, the retail impact assessment work shows there would still be an adverse impact on the designated Town Centre of Hucknall. As such, this contribution would serve to mitigate against those impacts by improving the public realm within the centre.

A contribution of £100,000 was requested to off-set this impact, as it was considered an appropriate level based on potential improvement schemes relative to the impact. The applicant has offered a contribution of £72,000, which would still serve a useful planning purpose and be used towards enhancements in the town centre. It is considered that the contribution is necessary, directly related and reasonable in kind and scale.

- Construction of New Stadium and Grounds.

A clause will be required in the Section 106 ensuring that no development shall commence, nor shall the existing football grounds be demolished, until the proposed new football ground and buildings are built and ready for use. Without such an agreement in place to secure the replacement facilities, the application would be viewed as contrary to Policy RC3. This obligation is therefore necessary, directly related and reasonable in kind and scale.

- Relocation of the Wild Thyme and Broomtape

The Ecological report, in section 63.11, sets out recommendations for the relocation of broomtape and wild thyme. The applicant has confirmed these will be relocated at the new Hucknall Town Football Club site off Aerial Way. This will be secured through the planning obligation.

- Additional Land for improvements to the Nabbs Lane/Watnall Road Junction.

The landowner of this site also owns some land to the south east side of Hucknall Road, between Nabbs Lane and Aerial Way. A strip of land from the frontage of that site is required to upgrade the Nabbs Lane junction. This is particularly important given the known issues of congestion along Watnall Road and at the Nabbs Lane junction, as set out in the response from the HA. It is noted that there would need to be no time limit on the highways works being carried out, as suggested by the applicant, because it is unknown when the works will be completed. This obligation is necessary, directly related and is considered to be reasonable in kind and scale.

8. Overall Conclusions and Planning Balance

Planning law requires that applications are determined in accordance with the statutory development plan, unless material considerations indicate otherwise. The NPPF advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. It goes on to state that due weight should be given to them, according to their degree of consistency with the NPPF.

When considering whether “the policies which are most important for determining the application are out-of-date”, it is necessary to consider whether, overall, the “basket of policies” in the development plan which are most important for determining the application are out of date (Paul Newman New Homes v Secretary of State for Housing Communities and Local Government [2019] EWHC 2367 (Admin) at [35])).

Overall, it is considered that the policies, which are most important for determining the application are: EM1, EM4, RC3, SH5, SH8 and ST1 (b and c). In general terms, it is considered that the basket of policies is considered to be up-to-date in this case, such that the tilted balance under paragraph 11 (d) of the NPPF is not engaged. However, this does not negate the need for a planning balance exercise to be carried out:

The application site is allocated for employment (EM1 Hd) and open space uses (RC3 HI) in the ALPR. The criteria of the open space policy (RC3) is considered to be met through the replacement facilities for the football club. There is conflict with employment land protection policies EM1 and EM4 and the development is also inconsistent with advice in paragraph 120 of the NPPF. In this case **moderate weight** should be given to this conflict. This is because of the size of the site and availability of employment land in Hucknall. The weight attributed to Policy EM4 is also reduced due to its inconsistency with the NPPF.

There is conflict with Policy SH5 of the ALPR, which is permissive of retail development proposals, outside town centre locations, where the net retail floorspace is under 500 m2. However, it is considered that there are no other sequentially preferable locations within or on the edge of the town centre that are suitable and/or available to accommodate the proposed development. The proposal therefore passes the sequential test in accordance with paragraphs 86-87 of the NPPF. The independent retail assessment also concludes that the development would not have a significant impact on designated centres and therefore passes the retail impact test in accordance with NPPF paragraph 89. Accordingly, it is considered that only **limited weight** should be attached to conflict with Policy SH5.

The NPPF states that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by economic, social, and environmental dimensions and the interrelated roles they perform.

In economic terms, the development would provide significant benefits through job creation, additional expenditure in the economy and business rates. At this time of

economic uncertainty these benefits are considered to carry **significant weight**. The social benefits of job creation also carry **significant weight**. The applicant has submitted a Health Impact Statement setting out there are likely to be positive impact on health outcomes. **Limited weight** is attributed to these benefits.

In environmental teams, the store will include various measures to reduce the CO2 emissions, minimise waste, maximise use of natural daylight and reduce energy use. This includes PV roof panels and electric charging points. These carry **moderate weight** in favour of granting permission.

The proposal would involve Section 106 contribution towards bus stops, community transport and public realm contributions. It would also include the construction of the new facilities at the replacement football ground, along with additional land for junction improvements and the relocation of Wild Thyme and Broomtape. However, these measures carry **neutral weight** in the planning balance because they essentially off-set the impacts.

In summary, although there is a conflict with the development plan (policies EM1, EM4 and SH5); it is considered that this is clearly outweighed by the benefits of the proposed scheme.

Recommendation: - Approve, subject to conditions and a Section 106 Agreement for the following:

- **Bus Stops - £18,000**
- **Community Transport - £10,000**
- **Hucknall Town Centre Public Realm Contribution - £72,000**
- **Construction of New Stadium and Grounds**
- **Relocation of the Wild Thyme and Broomtape**
- **Additional Land for Nabbs Lane Junction Improvements**

CONDITIONS

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans:
 - Site Location Plan A-PL-001 Rev A
 - Existing Site Plan A-PL-002 Rev A
 - Proposed Site Plan A-PL-003 Rev J
 - Proposed Store Plan A-PL-004 Rev B
 - Proposed Store Roof Plan A-PL-005 Rev C
 - Proposed Store Elevations A-PL-006 Rev B
 - Proposed Site / Building Sections A-PL-007 Rev D
 - External Works Detail Sheet 1 A-PL-008 Rev B
 - External Works Detail Sheet 2 A-PL-009 Rev A
 - Surface Treatment Plan A-PL-010 Rev H
 - Landscape Masterplan1085 LWR 01 Rev E
3. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, this should include:
 - How construction traffic will access the site;
 - Proposed hours and days of working, including when plant machinery will be operational;
 - The parking of vehicles of site personnel, operatives and visitors;
 - Location of the site storage areas, delivery, compounds and plant machinery;
 - Wheel washing facilities;
 - A strategy for the minimization of dust and vibration:
 - A strategy for the minimisation of noise, vibration and dust;
 - Site contact detail in case of complaints;
 - A layout of the construction access including a drawing showing visibility splays;

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

4. The development hereby permitted shall not commence (excluding demolition and site clearance works) until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

5. No works shall take place (save for above ground demolition works, site preparation, erection of fencing, laying of, or provision of any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- i. A site investigation scheme, based on the Desk Study already submitted to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- ii. The results of the site investigation and detailed risk assessment referred to in (i) and based on these an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
- iii. A verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete to a satisfactory standard; and
- iv. A monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

- a) If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:
 - i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
- Or
- ii. Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

additional land contamination shall be fully remedied prior to the first occupation of the development.

- b) The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted

to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

6. The unit shall not be occupied until full details of the sites boundaries treatments and external lighting have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments and external lighting shall thereafter be implemented in accordance with the agreed details and within an agreed time frame.
7. All planting, seeding or turfing indicated on the approved landscaping masterplan (condition 2) shall be carried out in the first planting and seeding seasons following the occupation of the retail store. Any trees, or plants, which within a period of five 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 other of a similar size and species.
8. The loading or unloading of delivery vehicles shall not take place between 11:00pm to 07:00am Monday – Sunday and not at any time on Bank Holidays.
9. The recommendations set out section 6 of the Ecological Appraisal by Baker consultants dated the June 2002 shall be fully adhered to.
10. The recommendations set out in section 10 of the Noise Assessment by Miller Goodall dated the April 2020 shall be fully adhered to.
11. Prior to the occupation of the unit, the electric vehicle charging spaces and PV roof shall be installed in accordance with the details shown on the following plans:
 - Proposed Site Plan A-PL-003 Rev J
 - Proposed Store Roof Plan A-PL-005 Rev C
12. Prior to the commencement of development, excluding demolition works, details of the highways access works shall be submitted to and approved in writing by the Local Planning Authority. For avoidance of doubt, these works include the following:
 - a. The site access and the junction with Watnall Road, as indicatively shown on VN91493/ D110 Rev E, to include a right turn ghost island with two pedestrian refuges with demountable street furniture.
 - b. The improvements to the A611 roundabout, as indicatively shown on VN91493/ D110 Rev E.
 - c. A 2.7 metre shared route to the west of the access.

13. Prior to the commencement of development, a waste audit shall be submitted to and approved in writing. This shall detail how waste will be managed in both the construction and operational phase of the development.

REASONS

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. In the interests of highways safety and residential amenity.
4. To ensure adequate means of surface and foul water disposal.
5. In the interests of visual amenity.
6. To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with NPPF, paragraph 178.
7. In the interests of visual amenity.
8. In the interests of residential amenity.
9. In the interests of biodiversity protection.
10. In the interests of residential amenity.
11. To reduce the carbon footprint of the development
12. In the interest of ensuring a safe access to the development.
13. To reduce waste produce from the development.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. Prior to the erection of any advertisement on the site the applicant is advised to contact the Development Management Section of Ashfield District Council to discuss the proposals. These can be contacted on 01623 457 388.
3. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be eventually adopted by the HA, the new roads and any drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works and it is recommended that the appropriate technical approval is sought as part of this application.

Correspondence with the HA should be addressed to hdc.north@nottscc.gov.uk

4. In order to carry out the off-site works required, the applicant 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 the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.
5. Any details submitted in relation to a discharge of condition planning application are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.
6. Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact highwaysouth.admin@viaem.co.uk

7. 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.
8. It should be noted that the proposed refuges on Watnall Road will be required to be mounted with demountable bollards and street furniture due to this being a route used for abnormal loads.
9. The access between Watnall Road and the site access is intended to be adopted when also serving the residential development. It is therefore recommended that the relevant technical approval is sought so as to ensure the access is built to acceptable standards, avoiding the need to reconstruct it, in turn minimising disruption to the highway network in this area and also ensuring uninterrupted access to the proposed development.