

18/01750/FUL

Applicant Hofton And Son Ltd

Location OS Field 5335 Moorbridge Road Bingham Nottinghamshire

Proposal Construction of 34 no. industrial units with associated car parking and new access road.

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The site comprise an area of undeveloped scrubland within an existing employment area with no existing features of great merit, except for areas of mature planting towards the western and southern boundaries. The site is bounded to the north by the existing industrial estate and to the south by 'Butt Field' which hosts a large number of sports pitches including an amenity pavilion that is used by the local community. There is also an access road for Butt Field which runs to the western and southern boundaries, leading to a hard surfaced car park for the users. A bridleway in the form of Bingham BW26 also follows this route to the west boundary of the site.
2. To the southern edge of the site sit a number of more mature category B trees. Over the course of the application however a number of these trees which sat just outside the site on adjacent land were removed by the adjacent land owner.
3. The site is accessed from an existing hammerhead turning to the north of the site named as Moorbridge Road East. A portion of land to the north east has already been built out with a single large industrial unit with a dark grey profile metal sheet finish. This site currently takes access from the hammerhead of Moorbridge Road East.

DETAILS OF THE PROPOSAL

4. The application for consideration is revised from the original submission. Changes include the schemes reduction from 36 units to 34 units, as well as revised layouts to allow greater protection of boundary hedgerows and altered highway layouts and internal building/parking configuration and mix.
5. The application seeks full planning permission for the development of the land for industrial purposes. The application seeks permission for 34 industrial units with sizes ranging from 1000 square feet to 3400 square feet with all buildings single storey. The applicant has clarified the uses they propose include those falling under B1(b) – 'Research and development of products and processes'; B1(c) – 'Light industry appropriate in a residential area', B2 (General Industrial) – 'Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste)' and B8 – 'Storage and Distribution'. The buildings would be finished in PPC cladding in grey with green or blue flashings dependent on location within the site and as detailed on the submitted plans.

6. The scheme proposes to continue the Moorbridge Road East down into the site to the south, creating 4 private spur roads to serve the individual units. The site plans also show an 'indicatory' link into the sports field car park to the south, however it is stressed that this link element is purely indicative and does not form part of this application. Every unit would be served by private parking areas of between 2 and 4 spaces dependent on unit size, with an additional Heavy Goods Vehicle (HGV) loading bay and access space for deliveries also available at each unit. 4 visitor parking spaces are also shown as well as 5 disabled spaces and a bike store of 11.
7. The scheme proposes bin stores to each unit independently. The boundary hedgerows to the south and west are to be largely retained and enhanced where there are existing gaps, with some of the greater depths of hedgerow extending back into the site to be removed and thinned out. Internal site landscaping is proposed along with palisade fencing to the boundaries, which is indicated to sit inside existing hedgerow boundaries where appropriate.

SITE HISTORY

8. The wider Moorbridge Road industrial park was established throughout the 1970's and 1980's whilst this parcel of land retained outline permission for industrial development until 2006 after the most recent 2003 approved outline permission for a mixed B1, B2& B8 use expired (03/01722/OUT). Land to the north east of this site (formerly part of the site) was granted permission under application reference 18/00523/FUL for a single large warehouse which has been constructed, and is now subject a retrospective application for a number of changes (as built) to the approved scheme (19/00815/FUL).

REPRESENTATIONS

Ward Councillor(s)

9. One former Ward Councillor (Cllr Hull) initially commented raising no objection subject to agreement on the positioning of the central access road onto town council land. Following revised plans received in January 2019 Cllr Hull commented raising no objection. Following further revised plans received in March 2019 the Ward Councillor noted the comments and concerns of the Town Council over parking ratios but suggested they could support the application if these concerns were addressed.
10. One former Ward Councillor (Cllr Davidson) objected to the development and commented that the proposal is over-intensive, and will be likely to cause problems with the vehicular traffic. It may also cause problems with adjoining developments, e.g. Town Council parking.

Town/Parish Council

11. Bingham Town Council initially objected to the development due to the proposed works being over-intensive for the site as well as concerns over the traffic created and that it may have an impact on any long term plans for that area. The Town Council raised concerns about the close proximity of the units adjoining the boundary of the Butt Field site with no planting scheme between.

12. Following revised plans in January 2019 the Town Council confirmed they maintained an objection to the scheme as it would represent overdevelopment of the site. They also commented that the access road that abuts Butt Field had moved eastwards which may impact on future developments, and that Butt Field as long term leasee had not been consulted. The Town Council suggest they may have child safety concerns from the amended road access position. The Town Council also queried the suitability of the turning space within the site and identified a shortage of parking spaces across the Moorbridge Road industrial site, which they consider this site should consider addressing.
13. Following further revised plans received in March 2019 The Town Council raised a further objection that the ratio of parking bays had been reduced by a greater ratio than the reduction in industrial units.

Statutory and Other Consultees

14. The Borough Conservation and Design Officer notes the site forms part of a wider industrial area and that development to the north represents a mixture of short runs of small units with occasional larger sheds. The officer concludes there isn't any particularly consistent scale or form of development beyond the characteristics of its use. The officer noted that the design as originally proposed used the site to its fullest extents, resulting in some less than ideal features such as frontage waste storage areas. The officer concluded their initial comments by confirming they were not overly concerned about the design of the units as they are what would be expected given the proposed use, however the development does seem to result in a more dense layout than the existing industrial area to the north.
15. The Borough Conservation and Design Officer (in their role as Archaeological Advisor) confirmed that the site has been subject to recent archaeological evaluation as part of a wider site, including land to the northeast, which had been identified from aerial photography as having apparent earthwork and building platforms of archaeological interest. The geophysical survey revealed little, however significant areas around the perimeter of the site were obscured by magnetic noise. Trial excavation was undertaken to explore the areas of noise but also to 'ground truth' the apparent absence of features in the north-east of the site (not subject of this application). It appears that the features identified in aerial photography were not archaeological in nature and were likely natural features which had been miss-identified.
16. The site was explored using 3 trial trenches cutting areas of magnetic noise. These trenches revealed shallow linear features devoid of datable finds. The officer concluded that it is not considered that the development would result in the loss of archaeology of any significance or that to the limited extent that some minor interest exists, it is unlikely that further excavation would add to current understanding of the site.
17. Following comments from NCC Planning (as detailed later in this section) regarding the Archaeological findings, and conversations with Historic England, the Borough Archaeological Advisor requested further comments from the applicant's archaeologist. These comments were of a geotechnical/palaeoenvironmental nature and it was requested that the developer give consideration to the potential for earlier archaeological remains

on this site sealed below a lime rich Lacustrine layer beyond which earlier archaeological evaluation on the site did not proceed.

18. Historic England's Science Advisor suggested a prudent first step would be to have existing evaluation data from borehole samples considered by a specialist to determine whether the identified potential for earlier archaeology applied to this site in reality, before it could be determined whether the level of intensive on site evaluation recommended by NCC is justified.
19. The applicant's archaeologist provided further comments by email from which the Borough advisor made the following comments and conclusions; *"From the details below it would appear that this site does not have the same earlier sealed archaeological deposits as sites further north encountered during the A46 improvement works. I am therefore satisfied that the previous archaeological evaluation on this site was neither incomplete nor inadequate. Whilst there is some potential for paleoenvironmental remains beneath the Lacustrine layer these would provide information about the nature of the wider landscape and would be remains not restricted to this site, I also agree with the assessment that investigation of such potential would be limited unless materials suitable for scientific absolute dating could also be recovered. It would be of limited interest to know what the surrounding landscape was like in the past unless it could also be determined at which point in the past this was the case. Borehole sampling for paleoenvironmental purposes would be highly unlikely to recover such datable material reliably. Given the costs involved in such assessment and that it would remain possible to extract such information from neighbouring sites, and even the undeveloped areas of this site, in future I would share the conclusion that further investigation on this site, would not be a proportionate requirement."*
20. The Borough Environmental Health Officer initially commented requesting further information on land contamination. In summary the officer raised no further objection subject to conditions over noises assessments, construction method assessments and an air quality impact assessment.
21. Following submission of revised plans in January 2019, the officer further reviewed the submitted plans and documents as well as the previous comments. They accepted the fundamentals, findings and methodologies of the noise assessment, however note that the southern half of the site may need to be piled. They therefore recommended a condition in place of the original comments relating to the submission of a method statement for any piling works.
22. The Borough Environmental Sustainability Officer commented that a Preliminary Ecological Appraisal had been submitted which was valid and in date, conducted in accordance with best practice. The officer noted that the site impacted by the development consist of tall ruderal herbs, scattered trees, bare ground and species rich hedgerows. Within the report no protected species were identified, however the site presents opportunities for wild bird nests and foraging bats and badgers and potential for reptiles. It is not expected that the conservation status of any European Protected Species will be adversely affected by this application subject to appropriate mitigation. The officer then makes a list of recommendations for conditions and informatives to the applicant.

23. The Officer later confirmed they objected to any scheme that would result in the loss of any 'species rich hedgerow' beyond that necessary to create the access.
24. The Borough Landscape and Design Officer initially responded stating they could not support the application. The officer noted that the boundary vegetation around the site has value both as a wildlife corridor and a visual screen. In visual terms it particularly benefits the users of the byway to the west of the site and the users of the recreational area to the south. Individually many of the trees are of low quality, but they have value as a group and many of them form an over mature hedgerow which provides an effective screen to the north of the pavilion and car park of Butt Field. The officer commented that having visited site it was very difficult to determine the site boundaries and that the trees to be retained and/or removed were difficult to see. The officer also noted the lack of proposed internal landscaping unlike many of the surrounding industrial units forming part of the wider industrial area.
25. Following further revised plans received in March 2019, and a tweak to the masterplan received in May 2019, the Landscape Officer commented that the loss of the trees on the adjoining site to the south was disappointing, but that the scheme is positive in that some replacement tree planting is shown along the southern boundary. The landscape plan details a mix of amenity shrub planting which will take place around the periphery of the site and along the main access road into the site. The officer raised no issue with the proposed shrub planting, sizes or planting density.
26. The officer noted that on the landscape plan 3 Hawthorn trees are proposed within the eastern boundary and 2 Field Maple are proposed on the western boundary, but that no tree species are proposed as replacements on the southern boundary and that as such details will need to be conditioned. The officer further commented regarding the lack of any native hedge to link the existing ones on the southern and western boundaries, and suggested a condition should be used to ensure this is provided.
27. The officer noted that root protection and compaction protection details were broadly provided in the submitted arboriculture report, but that these protective features would need to be secured by condition.
28. Nottinghamshire County Council as Lead Local Flood Authority raised no objections subject to a pre-commencement condition regarding the approval of a detailed surface water drainage scheme.
29. Nottinghamshire County Council as Local Highways Authority (LHA) initially commented submitting a holding objection due to concerns with the road layout. Further comments were received accepting the transport statement but querying the capacity assessments undertaken for the Moorbridge Road/Chapel Lane junction.
30. Following further revised plans received in March 2019, and a tweak to the masterplan received in May 2019, the Highways Authority commented further, removing their previous objections. The LHA noted areas of the existing hammerhead that would require being 'stopped up' with a new access shown for the 'Central Source' business on the land to the north east. The LHA

requested a condition to ensure the hammerhead be stopped up prior to the new access to Central Source being brought into use.

31. The LHA further comment that the swept path analysis is appropriate for the size of vehicle indicated, albeit that they would usually recommend a larger refuse vehicle is used for tracking purposes. They referred back to the Borough's waste collection team on the appropriateness of this tracking but raised no objection.
32. The LHA suggested the amount of parking indicated in table 3.1 of the transport statement would be appropriate, albeit the development would provide a greater level of parking than suggested by the table with some 86 dedicated spaces, 4 visitor spaces and 5 disabled spaces.
33. The LHA concluded by stating they have no objection, subject to 4 conditions regarding the following; The use not to commence until parking provision has been provided; The access to central Source not to be brought into use until the hammerhead is stopped up; Occupation not to commence until a travel plan has been submitted to and approved and construction not to commence until a Construction Method Statement has been submitted and approved. The full wording of the conditions can be found in the recommendation and LHA's full comments on the Borough Council's website.
34. Nottinghamshire County Council Planning Policy provided comments on minerals, waste, public transport and archaeology. Their comments are summarised below as follows:
 - a. Minerals - In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to the application site.
 - b. Waste - In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). They note the proposal could generate significant volumes of waste through development and operation and therefore note it may be useful for the scheme to be supported by a waste audit.
 - c. Archaeology - NCC withdrew their archaeological advice service to the Borough Council in 2017. They have however provided comment on this application, raising concerns with the findings of the geophysical investigations and evaluation by trenching. The full comments can be found on the Borough Council's website, however in summary they contest that the described archaeological features could be 'of limited archaeological interest' as they believe they could be prehistoric and there could be links to 'The Henge Monument', a local Scheduled Ancient Monument.
 - d. Public Transport - No bus service contribution would be considered necessary given the scale of the development. Bus stops RU0244 and RU0242 are closest to the site and served by infrastructure that does not meet the level of facilities as specified in the County Council's

Transport Statement for Funding. Funding is therefore requested (£20,000) to bring the bus stops up to standard.

35. Severn Trent Water commented recommending a condition requiring full drainage plans to be submitted prior to the commencement of works, and referencing the possible need for a sewer modelling study due to the scale of the works, to determine the impact this development will have on the existing system and if flows can be accommodated or whether capital improvement works would be required.
36. The Trent Valley Internal Drainage Board commented that the 'Cricket Field Drain' was located to the eastern side of the site to which Byelaws and the Land Drainage Act 1991 apply. They confirmed that the boards consent would be required to erect any building or plant any tree within 9m of the top edge of the culvert. They also confirmed the Boards consent was required for any works that would increase the flow to a board maintained watercourse.

Local Residents and the General Public

37. 2 public comments were received in objection to the proposed development scheme (one of which as leasee for Bingham Town Sports Club, occupiers at Butt Field Sports Ground). The reasons for objection can be summarised below:
 - a. The units are too close to the boundary with Bingham Town Sports Club.
 - b. The development is over intensive for the site.
 - c. It would alter the character and amenity of the area.
 - d. The development would not be sympathetic to the character and appearance of the area, not in keeping with existing buildings on the industrial estate.
 - e. Has the access been discussed as Bingham Town Council or Bingham Town Sports Club as it would result in a loss of land and a congested bottleneck.
 - f. The trees and hedges to be removed would be detrimental in changing the landscape for the sports clubs and any users of the open space.
 - g. Ask what planning permission was granted to allow a foundry and metal work business to open with a large door looking over Butt Field Park and 2 foundry chimneys with wind flow and noise over Church Farm estate.

PLANNING POLICY

38. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014). The publication version Local Plan Part 2 (LPP2): Land and Planning Policies is also a material consideration, although the policies within this document do not currently carry as much

weight as those that are adopted, as they are still subject of an examination and have not yet been adopted. Local Plan Part 2 was submitted for examination on 10 August 2018 with the hearing taking place over several weeks in November/December 2018.

39. Other material considerations include the National Planning Policy Framework (NPPF) (Revised 2019), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006).
40. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the NSRLP where they are consistent with or amplify the aims and objectives of the Framework, together with other material planning considerations including the LPP2.

Relevant National Planning Policies and Guidance

41. The National Planning Policy Framework (NPPF) (updated in 2018) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.
42. As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
 - Section 6 Building a strong, competitive economy
 - Section 8: Promoting healthy and safe communities
 - Section 9: Promoting Sustainable Transport
 - Section 12: Achieving well designed places
 - Section 15: Conserving and enhancing the natural environment
 - Section 16: Conserving and enhancing the historic environment
43. Section 12 - 'Achieving Well Design Spaces' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments, inter alia:
 - a. Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b. Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c. Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or

- discouraging appropriate innovation or change (such as increased densities).
44. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
 45. Section 15 - Conserving and Enhancing the Natural Environment states that planning decisions should inter alia seek contribute to and enhance the natural and local landscape by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). Paragraph 175 goes on to state that when determining planning applications authorities should apply the following principles, part 'a' of which states that if significant harm to biodiversity as a result of development cannot be avoided, mitigated or compensated, then permission should be refused.
 46. Section 16 - Conserving the Historic Environment states under paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Relevant Local Planning Policies and Guidance

47. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
 - Policy 1 - Presumption in Favour of Sustainable Development;
 - Policy 2 - Climate Change;
 - Policy 3 - Spatial Strategy;
 - Policy 5 - Employment Provision and Economic development;
 - Policy 10 - Design and Enhancing Local Identity;
 - Policy 11 - Historic Environment;
 - Policy 14 - Managing Travel Demand;
 - Policy 15 - Transport Infrastructure Priorities;
 - Policy 17 – Biodiversity;
 - Policy 18 – Infrastructure; and
 - Policy 19 - Developer Contributions
48. Policy 1: 'The Presumption In Favour Of Sustainable Development', states 'When considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'.
49. The proposal should also be considered under Policy 5: 'Employment Provision and Economic Development', which states that the Borough Council must identify and maintain a supply of good quality land to provide for new, and relocating industrial and warehouse uses (in Use Classes B1(c), B2 and B8) across Rushcliffe.

50. Policy 10; 'Design And Enhancing Local Identity' is also relevant and states that all new developments should be designed to make a positive contribution to the public realm, have regard to the local context and reinforce valued local characteristics. The proposal shall be assessed in terms of the criteria listed under section 2 of Policy 10, specifically 2(b) whereby the development should be assessed in terms of its impacts on neighbouring amenity; and 2(f) in terms of its massing, scale and proportion; 2(g) in terms of assessing the proposed materials, architectural style and detailing; and 2(h) the potential impact on important views or vistas including of townscape, landscape and other individual landmarks, and the potential to create new views.
51. Policy 11 discusses the Historic Environment and identifies that proposals will be supported where they conserve and/or where appropriate enhance the historic environment in line with its significance. Policy 17 - Biodiversity states that development affecting non-designated sites or wildlife corridors will only be permitted where it can be demonstrated that there is an overriding need for development and that adequate mitigation measures are put in place.
52. The Rushcliffe Borough Non-Statutory Replacement Local Plan was adopted in December 2006 and although some policies may have been superseded by the Core Strategy, its policies still hold weight as a material consideration in the decision making process. One relevant policy contained within this document is GP2 – 'Design and Amenity Criteria'. This Policy states that planning permission for new development, changes of use, conversions or extensions will be granted provided that the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.
53. The emerging Local Plan Part 2, Land and Planning Policies, has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation. This has now been submitted for examination and the hearing took place in Nov/ Dec. An initial view from the Inspector has been received suggesting minor changes to some of the policies. Some weight should, therefore, be given to this emerging policy document. In particular the following planning policies are considered material to the consideration of this application:
- Policy 1 Sustainable Development
 - Policy 15 Employment Development
 - Policy 18 Surface Water Management
 - Policy 40 Pollution and Land Contamination
 - Policy 41 Air Quality
54. Policy 15 discusses Employment Development and recognises land east of Chapel Lane as an allocated employment site. This encompasses a different undeveloped parcel of land within the Moorbridge Road industrial site but not the application site itself.

APPRAISAL

55. The main considerations when determining this application relate to the principle of development, whether the proposal would have any material impact on the character and appearance of the site or wider locality, whether the proposal would have any material influence on neighbouring amenity as well as highways, drainage, ecology, heritage and landscaping matters.

Principle of Development

56. The site is located on an area of unused and little maintained scrub that is situated within the existing industrial zone to the northern edge of Bingham. The site is entirely contained within defensible settlement boundaries and would not represent any extension into the open countryside. It should be noted that the site has historically maintained outline permission for industrial development (B1, B2 & B8) in an area with further allocated employment development land within the emerging LPP2 document under policy 15. Policy 5 of the Cores Strategy also identifies the need to maintain and identify a good supply of land for new and relocating industrial and warehouse uses.
57. As such whilst not directly allocated as employment land, the site is considered to represent a sustainable employment growth area and therefore given the site setting and the nature of the proposed use encompassing B1(b); B1(c), B2 and B8 uses, it is considered that the principle of industrial employment development on this site would be acceptable.

Noise and Residential Amenity

58. There are no residential properties in close proximity to the site and as such the scale and massing of the building proposed would not raise any concerns of overbearing, overshadowing or overlooking impacts. With regards to noise impacts, the uses proposed include light and general industry, as well as storage and distribution. These types of uses, and the processes they facilitate, generate the possibility of noise impacts.
59. The application was supported by a full noise assessment. The site is located within an existing industrial area where the neighbours are all existing industrial uses or open recreational spaces. The closest residential receptor lies some 110m to the south, beyond the 'The Poacher Line' Railway, which runs between Nottingham and Skegness. The noise assessment finds the proposed B2/B8 use would be unlikely to draw complaints given the existing noise environment surrounding the site. In summary, the report considers that under the present & proposed noise climates, the site is suitable for use as an industrial development.
60. The Borough Environmental Health Officer raises no concerns with the findings of the report and as such has no undue concerns relating to undue noise nuisance.
61. The Borough EHO does, however note the potential for piling to be required on the southern half of the site which would need to be carefully controlled. As such a suitable condition for details of the piling operations would seem appropriate. The EHO does not comment regarding a construction method statement for the general control of noise, dust and vibration, however this

would seem a reasonable and appropriate condition, and could allow for consideration of waste recycling and land movements from any on site works.

62. The wider Moorbridge industrial area does not have any control regarding hours of use, and given the separation from local residential uses in terms of both access and land use it would not be considered necessary to require any restriction on hours of use.

Design and Layout

63. The design and layout of the site has been subject to revisions through the course of the application. Whilst the scheme does undoubtedly seek to make the most of the site in terms of number of units delivered, the revisions attained relating to the retention of site boundary features helps to ensure the development would sit more sympathetically within the locality. The buildings proposed would all be of a single storey scale with pitched roofs containing eaves at 4.277m and ridges around 5.985m. As a comparison the building on the site to the north east has eaves at 7.5m and a maximum height of 9.5m.
64. Whilst the unit frontages would largely be allocated parking, the different surfaces between paths, parking and road would be distinguishable by different surfacing materials, creating some sense of differentiation. Furthermore, the unit frontages would all include coloured detailing strips around doors and windows to add some element of detailing to break up the visual massing of the structures.
65. The frontage bin stores are also noted, however details of these features could be controlled by condition, and could be appropriately utilised to add some elements of interest to the frontages rather than being seen as a simple and detracting feature.
66. The internal landscaping arrangements largely surrounding the spine road and site boundaries would also be positive in breaking up the built form of the site. Whilst the development would be undoubtedly more intensive than the surrounding Moorbridge Road area, it must also be considered that modern market conditions demand smaller serviced units for starter projects, above and beyond the more widely available larger building stock.
67. It is concluded that the scheme would not be 'over intensive' for the site given the revisions to protect existing boundary features, and that the design and layout of the site would not detract from or cause undue harm to the character and appearance of the locality.

Landscape and Ecology

68. With regard to landscaping, the applicant has submitted a landscaping plan including areas for landscaping and indicative planting schedules. The site is bounded to the west and partially to the south (south eastern most extent alongside Butt Field) by dense hedgerows that have been unmanaged and unmaintained and have been recognised by the applicants ecologists as a 'species rich hedgerow'.
69. The proposed scheme as now presented seeks largely to retain these hedgerows along the site boundaries. Both existing hedgerows would be

thinned out in terms of their overall depth back into the application site however overall the hedges would be retained, and enhanced with additional structural planting where appropriate. The scheme also proposes new hedgerows to the southern boundary where there is little existing planting, with 3 new trees also to be planted since the neighbouring land owner removed all the features adjacent the southern boundary, which provided some mature screening and setting to the site.

70. The comments of the Environmental Sustainability Officer (ESO) are noted, with their latest comments stating their objection to any loss of the species rich hedgerow beyond that required for access. Given the revisions to the scheme to retain the boundary hedgerows, the development would be considered to achieve the aims of the ESO's comments. The ESO also notes the applicant's consultant report about hedgerows to the eastern boundary, however it was confirmed on visiting the site that there is no hedgerow to this boundary.
71. The ESO raised no other objections but requested a number of conditions and informative regarding appropriate best practice for construction on site, and ensuring the recommendations of the ecologist reports are implemented.
72. With regard to the acceptability of the landscaping scheme the preliminary scheme is considered to show appropriate areas for landscaping and some appropriate planting mixes for the areas to be planted with shrubs. Further work on the nature of proposed hedgerows and new trees will, however be required and as such, it is considered reasonable and appropriate to condition the submission of a full landscaping scheme.
73. The arboricultural report recommends an arboricultural method statement is submitted to agree the exact details and locations of any tree protection fencing, installation of root protection systems and Schedule of works. This would meet with the aims and comments of the Landscape and Design Officer. A condition requiring submission and agreement of details prior to development commencing would seem appropriate and reasonable.
74. It would also seem necessary to condition details of any lighting to be approved prior to its installation, given the sites sensitive location adjacent to the open countryside where light spillage could impact bat, bird, reptile and badger corridors.

Heritage Assets and Archaeology

75. With regard to heritage assets, the site would not impact the Bingham Conservation Area which sits south of the Railway Line, with no nearby Listed Buildings. As such the development would not impact any heritage assets.
76. In terms of archaeology the applicant has submitted surveys and further information following comments from NCC Planning. The Borough's Archaeological Advisor is satisfied following this process that the site does not harbour any likely archaeological remains of significance that warrant further more extensive excavation, assessment and understanding. The assessment and consideration aligns with the requirements of policy 29 of the emerging LPP2.

Flood Risk and Drainage

77. The site is located within Flood Zone 1 on the Environment Agencies Flood Risk Maps and is therefore at low risk of flooding. It is also not necessary to undertake a sequential or exception test. Consideration however needs to be given to surface water management and a Flood Risk Assessment.
78. With regard to surface water drainage, an assessment has been made so as to ascertain the most appropriate form of surface water disposal. Soakaways or infiltration systems are considered the starting point for attaining a sustainable drainage solution, however the drainage survey and report identifies the underlying site geology has very low permeability and that permeable ground conditions and the underlying geology's ability to store water is limited. As such an infiltration or soakaway based drainage system is not considered viable.
79. Part H of building regulations advocates the next priority of discharge would be an open watercourse. The Car Dyke is located to the north of the site, some 100m beyond a number of existing developed sites whilst a shallow dry drain runs to the western boundary. Due to existing developments to the north and the nature of the western drain, neither of these options would again be viable. The Cricket field Drain does however run to the eastern site boundary, which may be suitable to accept some form of discharge.
80. Moorbridge Road to the north sits slightly raised from the site, and as such the southern portion of the site could not drain by gravity system to this sewer. As such the northern portion of the site is proposed to discharge flows at an attenuated rate to the Severn Trent Water surface water sewer located to the north of the site, whilst the southern part of the site proposes to drain to a private culverted watercourse to the east of the site.
81. These methods of discharge would appear to accord with the drainage hierarchy given the limited viability of preferred sustainable drainage options. The Lead Local Flood Authority have raised no objections to the preliminary drainage strategy as discussed above, subject to a detailed strategy being submitted and approved prior to works commencing.
82. The Trent Valley Internal Drainage Board maintain the 'private drain' to the east of the site known as 'The Cricket Field Drain'. The Board do not object but highlight the Board's permission would be required irrespective to any planning permission for any new connections to the drain, and that any structures or planting within 9m of the top of the drain would also require their consent.
83. The proposals will, therefore, require separate permission from the Board given the proximity of planting and buildings to the Cricket Field Drain. The applicant has been made aware of these requirements. The Board have not commented on the adequacy of proposals for their separate processes.
84. Severn Trent Water have also not objected to the proposal. Their comments reference the potential for a sewer capacity survey, however this would fall under the duties of Severn Trent Water as a statutory provider rather than on

the developer to fulfil. A foul water connection would be made to the existing sewer system.

85. Policy 19 of the emerging LPP2 deals with development affecting watercourses and states development will be supported where a 10m buffer is retained to the top of the watercourse where it already exists. The proposed scheme would not achieve this separation to the Cricket Field Drain to the east of the site. The drain is, however, channelised and only emerges from beneath Butt Field at the southern edge of the site. To the eastern side the drain borders open countryside and the feature sits largely dry except for in storm events. This is a similar situation to that which exists to all units to the north of the site. Although not directly in compliance with this policy, it is not considered that the policy was meant to protect urban storm drain features where there is minimal ecological diversity. Landscaping would be included adjacent the feature and overall the development in closer proximity to the drain would not be considered to cause any harm.

Highways and Parking

86. With regard to access, parking and highway safety, the applicant has submitted a transport statement. This has been subject of modification through the application process to amend modelling at the request of the LHA.
87. The scheme proposes between 2 and 4 dedicated parking spaces per unit, dependent on the floor area of the unit and in line with the requirements for B2 uses as set out in the LHA Design Guide. Each unit would also include a dedicated delivery spot for an HGV, whilst the wider site would also provide 4 unallocated visitor spaces, 5 disabled spaces and an 11 space bicycle parking area.
88. The concerns of the Town Council regarding parking are acknowledged, however most units have at least 3 dedicated parking spaces which represents an oversubscription of parking based on design guidance. The LHA further raise no objection to the parking provision on site and as such there is not considered to be any undue parking concerns. A condition ensuring parking is provided prior to occupation would seem both reasonable and necessary.
89. It is, however noted that the parking figures are based on a B2 use. This requires more than a B8 use but less than a B1(a) office use. Given the compact nature of the site it would therefore be considered necessary to remove any permitted development rights to allow conversion of the units to offices. Similarly it is considered necessary to prevent the installation of any mezzanine floors without prior approval of the local planning authority, as this may impact parking provision and requirements across the site.
90. The bike store proposed is located centrally within the site in a well surveyed location adjacent to the main spine road which would become an adopted highway. This features location is, therefore considered appropriate. The LHA raise no concern with the amount of provision for bicycle provision. It is considered necessary to condition the implementation of the bike store prior to occupation to ensure the feature would be in place to encourage sustainable modes of transport.

91. The LHA have raised no objection to the revised layout of the roads, including the spine road. Comments from the Town Council and public regarding a future access onto land to the south are duly noted, however the plan only shows an indicative link which does not form part of this application. The LHA have requested a condition regarding the new access to the neighbouring site not being brought into use until the existing hammerhead has been stopped up which would seem reasonable and necessary for highway safety reasons.
92. The LHA have requested a travel plan condition. Given the number of units proposed this would seem a reasonable request to support the uptake of sustainable transport methods. The LHA have also requested a construction management plan be submitted relating to highway safety matters. This would seem reasonable and necessary and could be tied into the document as requested by the EHO relating to noise dust and vibration.
93. The LAH have also referenced vehicle tracking which shows a 10.2m refuse lorry can enter and exit the drives in a forward gear. They reference a preference for a larger vehicle to be modelled but do not raise any objection, instead suggesting that the Boroughs Waste Team are consulted on the provision. In this regard, Rushcliffe Borough Council does not collect commercial waste and as such, any collections would be a private trade waste provider. As such, the minor query over the modelled refuse vehicle sizing does not raise undue concerns.

Other Matters:

94. NCC Planning made comments with regard to the provision of bus stop improvements along Chapel Lane at RU0244 and RU0242, close to Moorbridge Road. These bus stops are 0.3miles from the site entrance, approximately a 6 minute walk. The facilities at these stops are limited, one having no infrastructure and the other having a bus stop pole and raised kerb only. These facilities do not, therefore meet the level of facilities as the specified in the County Council's Transport Statement for Funding.
95. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.
96. In this instance the developer has requested the opportunity to enter directly into obligation with Nottinghamshire County Council to provide the improvements. Given the nature of the employment uses proposed, the proximity of the bus stops to the site and the current infrastructure levels, the proposed contributions would be considered reasonable and necessary to support sustainable transport methods and to make the development acceptable. An appropriately worded condition requiring the improvements to be completed prior to occupation would seem reasonable.
97. NCC Planning raise no concerns with regard to minerals safeguarding but do note that a waste audit may be appropriate given the scale of development

proposed. The National Planning Policy for Waste advises that when determining planning applications for non-waste development local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- The likely impact of proposed, non-waste related developments on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy (prevention - preparing for reuse - recycling, other recovery - disposal) and/or the efficient operation of such facilities.
- New non-waste development should make sufficient provision for waste management and promote good design to secure the integration of waste management facilities with the rest of the development and in less developed areas with the local landscape. This includes providing adequate storage facilities. The handling of waste arising from the construction and operation of development should maximise reuse/recovery opportunities and minimise off-site disposal.

98. The National Planning Guidance follows this advice and suggests that proposals that are likely to generate significant volumes of waste through the development or operational phases should undertake a waste audit. The site proposes 34 smaller scale industrial units on a modest site and it is not considered that the development would be likely to generate significant volumes of waste through either the development or operational phases. As such it is not considered that a waste audit is essential for this site to ensure consideration of the waste hierarchy is achieved. It is considered that waste matters can be adequately considered by way of planning conditions as set out below.
99. Consideration has been given to waste matters in the application and it would be normal practice for the construction management plan to include a requirement for a scheme for recycling/disposal of waste resulting from site clearance and construction works. Adequate waste storage has also been shown to be included within the layout plans.
100. NCC Planning comments regarding archaeology have been considered within the heritage asset and archaeology section of this report.
101. After examining the above proposal and assessing it against the policies set out in the development plan for Rushcliffe, the scheme is considered to be acceptable. Therefore, it is recommended that planning permission is granted.
102. The application was subject of pre-application discussions. Amendments and alterations have been made through the course of the application in response to comments made by officers, consultees and the public. The revised plans have sought to address the aforementioned concerns resulting in the recommendation to grant permission.

RECOMMENDATION

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

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

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

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

17013(PL)02 rev. M - Site masterplan
17013(PL)03 rev. C - roof plan
17013(PL)04 rev. B - Units 1-3
17013(PL)05 rev. B - Units 4-19
17013(PL)06 rev. B- Units 21-23
17013(PL)07 rev. B - Units 24-29 and 31-34
17013(PL)08 rev. B - Elevations 1-20
17013(PL)09 rev. C - Elevations 21-34
17013(PL)11 rev. D - Landscaping
17013(PL)12 rev. A - Unit 20
17013(PL)13 rev. A - Unit 30

Arboricultural Impact assessment
Ecological appraisal report
Internal turning heads arrangements - option A
Transport statement - P3
Flood Risk Assessment and Drainage Strategy - 18-0010/FRA/DS
Ground Investigation Report - J18046

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. No part of the development hereby approved shall commence until a detailed surface water and foul sewerage drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA), July 2018, BSP, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and Severn Trent Water. The final scheme shall be implemented in accordance with the approved details, and the works insofar as they relate to each unit completed prior to the occupation of that unit. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Provide site investigation details that demonstrate infiltration is not feasible on site, alternatively testing results to BRE365 standards.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to no greater than 4.8 L/s, as detailed in the FRA.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA

- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.
- Detail drainage plans for the disposal of foul water sewerage.

[This is pre-commencement to ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy.]

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in 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 dust and dirt during construction
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works

[This is pre-commencement in order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management.]

5. No development shall take place until a detailed Arboricultural Method Statement for the site has been submitted to and approved in writing by the Borough Council. The approved method statement shall include details of the following:

- Finalisation of the construction exclusion zones including final details and locations of any tree protection fencing.
- Installation and design of root protection systems (including compaction zones).
- Schedule of works.

Works shall thereafter only be carried out in accordance with approved arboricultural method statement.

[This is a pre-commencement condition due to the need to protect existing trees and hedgerows on the site prior to potential damage at construction stage. To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

6. The development hereby permitted shall not be commenced until details of the materials to be used on the hard surfaced areas of the site have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[This condition is pre-commencement given the industrial design and nature of the development and associated constructions methods. The condition is required to ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

7. The development hereby permitted shall not be commenced until details of the finished levels for the site including context to surrounding sites have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the finished levels so approved.

[This condition is pre-commencement given the agreement of finished levels will be need to be resolved prior to any excavation taking place. The condition is required to ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

8. No part of the development hereby permitted shall commence until a scheme for the provision of improvements to bus stops RU0244 (Moorbridge Road) on Chapel Lane and RU0242 (Moorbridge Road) on Chapel Lane has been submitted to and agreed in writing by the LPA. The scheme shall be implemented in full thereafter and shall be completed prior to the occupation of the first unit unless otherwise approved in writing. For the avoidance of doubt, in respect to RU0242 this shall include details of Install real time bus stop poles & displays including associated electrical connections and polycarbonate bus shelter. For RU0244 the details shall include real time bus stop pole & displays including associated electrical connections, raised boarding kerbs and bus stop clearway markings. The details shall also include a timescale for implementation.

[This condition is pre-commencement to ensure the improvements can be implemented prior to the occupation of the units and in order to promote sustainable travel in accordance with the aims of Policy 14 of Local Plan Part 1 Rushcliffe Core Strategy]

9. If pile driven foundations are to be used for the construction of any part of the development, a method statement detailing techniques for the control of noise, dust and vibration from piling works shall be submitted to and approved by the Local Planning Authority prior to the development commencing in that part of the site to be piled. The method statement shall have regard to the guidance given in:

- BS 5228-1:2009+A1: 2014 - Code of practice for noise and vibration control on construction and open sites. Noise
- The control of dust and emissions from construction and demolition. Best Practice Guidance; Greater London Authority, November 2006.

Thereafter the works shall be carried out in accordance with the approved method statement.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

11. The use hereby permitted shall not be commenced until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The landscaping scheme shall be carried out in the first planting season following the commencement of the use hereby permitted and 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 Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

12. The proposed business units shall not be brought into use until their respective off-street parking areas have been provided and surfaced in a bound material as approved under condition 6 of this permission.

[To reduce the possibility of deleterious material being deposited on the public highways in the interest of highway safety.]

13. Occupation of the proposed units shall not take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall then be implemented in accordance with the approved details.

[To promote sustainable travel in accordance with the aims of Policy 14 of Local Plan Part 1 Rushcliffe Core Strategy]

14. Prior to first occupation there shall be submitted to and approved in writing by the Borough Council, as local planning authority, details of cycle stands for staff and visitors. The cycle stands shall be provided in accordance with the approved details before the development is first brought into use and shall be

retained for the lifetime of the development. In the case any scheme is delivered in phases where the main cycle stand cannot initially be delivered, each phase shall include a temporary cycle stand area to be provided in accordance with details first approved by the local planning authority, implemented prior to the occupation of any part of that phase and maintained until such time the main cycle stand and phase is delivered.

[To encourage sustainable modes of transport to the site in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy.]

15. Prior to first occupation there shall be submitted to and approved in writing by the Borough Council, as local planning authority, details of the proposed bin stores to the site frontages. The bin stores shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.

[To protect the amenities of the area and to comply Policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

16. The proposed access to the Central Source site shall not be brought into use until the purple areas of redundant highway as shown on drawing 17013(PL)02 Revision M have been formally stopped up.

[To reduce the possibility of vehicular conflicts and in the interest of highway safety.]

17. Prior to the erection of any boundary treatments or means of enclosure on site, the details shall first be submitted to and approved in writing by the Borough Council with the treatments thereafter constructed and maintained only in accordance with the approved details.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

18. Prior to the installation of security lighting/floodlighting details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. The lighting shall be installed only in accordance with the approved details.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

19. Prior to the installation of any externally mounted plant or equipment (e.g. air conditioning, extraction, heating units, etc.) or any internally mounted equipment which vents externally, details of noise levels and associated equipment locations and appearance shall be submitted to and approved in writing by the Borough Council. If this information is inconclusive or not complete then the applicant will be required to undertake a full noise assessment in accordance with BS 4142:2014: Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise

impact on neighbouring properties. The plant shall be installed only in accordance with the approved details.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

20. No mezzanine floors shall be constructed within any of the buildings hereby approved without the prior approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled to protect the amenities of the surrounding area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

21. The development hereby permitted shall only benefit from any use falling within the following sections of The Town and Country Planning (Use Classes) Order 1987 (as amended): B1(b); B1(c); B2; and B8. Notwithstanding the provisions of the 'The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)', the units shall not be used for any other purposes.

[To clarify the extent of the permission and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

22. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

23. The uses hereby approved shall only take place within the approved buildings, with the external areas only used for parking and/or servicing as identified on the approved plans. No materials, products or waste shall be stored in the external areas except for those areas identified for such use on the approved plans.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

24. No site clearance works, including the removal of hedgerows or trees, shall take place between the beginning of March and the end of September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any written confirmation should be submitted to the local planning authority.

[To comply with the requirements of the Wildlife and Countryside Act 1981 and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes to Applicant

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

a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete.

Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

It is an offence under S.148 and S.151 of the Highways Act 1980 to deposit mud on the public highway, and as such you should undertake every effort to prevent it occurring.

A pre-works check for badgers should be undertaken immediately prior to works on the site commencing.

Heras security fencing should be erected around the built development site prior to and during development works to prevent badgers from entering the site and injuring themselves.

Excavations to be left overnight are to be covered at the end of each working day, or include a means of escape

Reasonable avoidance measures are recommended to avoid impact to these species, these include:

- Preworks 'Toolbox Talk' provided to staff on the ecology and identification of protected reptiles within the UK.
- Undertake works during the active period for this species and encourage reptiles to leave the development area through management of habitats, e.g. careful strimming of vegetation across the site.

- Seek To retain existing deadwood piles. If works need to be conducted in these areas, works should be sympathetic to the species and should be dismantled by hand.

All workers / contractors should be made aware of the potential of protected / priority species being found on site and care should be taken during works to avoid harm (including during any tree works) , if protected species are found then all work should cease and an ecologist should be consulted immediately.

Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

It is recommended that consideration is given to installing integrated bat and bird boxes / bricks in the buildings and external boxes on retained trees, dead wood piles should be retained.

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

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

The Trent Valley Internal Drainage Board maintain the Cricket Field Drain to the east side of the site. Byelaws and the Land Drainage Act 1991 apply to this drain. The Board's consent will be required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any board maintained watercourse or the edge of any board maintained culvert. The Boards Consent will be required irrespective of any planning permission and will also be required if you require drainage to discharge to the feature.