

# 19/02209/FUL

**Applicant** Rushcliffe Borough Council

**Location** Cotgrave Shopping Centre Candleby Lane Cotgrave Nottinghamshire

**Proposal** Construction of 4no replacement retail units following demolition of existing run of retail units approved under prior approval 19/01047/DEMOL, with associated access, parking and hard and soft landscaping.

**Ward** Cotgrave

## THE SITE AND SURROUNDINGS

1. The site is on the western part of the existing retail centre of Cotgrave. It sits largely on the site of the now demolished 2 storey block that contained retail units, that was given consent for demolition under reference 19/01047/DEMOL. This structure had a retail area of 517sq.m gross internal area (GIA).
2. Cotgrave Footpath18 runs along the south east boundary of the application site with a play area beyond (approved under ref 18/02462/FUL). The proposed development would be located on land that is approximately 2m higher than the Candleby Lane road level. Cotgrave Futures, Candleby Lane School and a number of two storey residential properties are located on Candleby Lane opposite the site.
3. To the north of the site are properties at Woldsview House and Laurence Close.

## DETAILS OF THE PROPOSAL

4. The proposal is for 4 retail units to be contained within a single storey building on the site of the former building. It would have an overall footprint of 18.1m x 47.5m resulting in a total new GIA of 775 sq.m. The overall height would be 7m on the front elevation and approximately 4.5m on the rear elevation. A retaining wall is proposed along the public footpath which would be around 4m in height at its maximum, however a landscaping area would cover the majority of the height. 34 parking spaces would be available in the associated car park area, the proposal also illustrates a relocated recycle site and a replacement substation close to properties on Laurence Close.
5. The design includes over sailing roof features, glazing to the front elevation of the three smaller units with the end (southern) unit having glazing wrapping round the end elevation. Unit 1 would have less glazing due to the units proposed end use (food retail). Due to the raised section of ground it would be located on, the overall building has been designed so as to have its high side facing into the retail area with its lowest side facing Candleby Lane.

6. The proposed materials have been chosen to complement the recently completed retail refurbishment/hub development with aluminium framed glazing and composite cladding, all to give consistency across the site.
7. Details were also provided in respect of the specification of refrigerator and condenser fans associated with unit 1 only, which has an end user retail store indicated. The other three units (units 2, 3 and 4) are proposed for A1 use and units 4 as an A1 or an A3 café use with possible outdoor seating within the horseshoe of the resulting development.
8. The submitted Design and Access Statement identifies this site as phase 4 of the overall redevelopment/refurbishment of the town centre. It advises that as part of the scheme some improvements are proposed to the junction between the site and Candleby Lane for delivery vehicles. This is in the form of widening the left hand portion of the junction. The access road is also to be altered for larger vehicles accessing the site and the car parking area is proposed to be amended to allow delivery vehicles to turn for entry and exit in forward gear. The existing Public Right of Way to the south east of the site boundary is not to be altered as part of the scheme. For every tree being removed at least one will be planted of native species.
9. Parking for the site has been assessed on the basis of a comprehensive parking assessment for the overall centre.
10. As part of the submission a Tree Survey, Ecological Appraisal, Parking Assessment Report and Drainage Statement was provided along with a Desk Based Assessment on Archaeology.

## **SITE HISTORY**

11. 19/01047/DEMOL - Demolition of Units 1- 4C – granted May 2019.
12. 18/02462/FUL - Demolition of existing play area, construction of new play area on site of former police station, and creation of new terrace area with timber bin store to serve Hotpots café – approved December 2018.
13. 16/02873/DEMOL - Demolition of a pair of two-storey semi-detached houses, 12 terraced three-storey town houses, a single-storey garage block, along with associated fences, gates and hardstandings – granted December 2016.
14. 16/02137/FUL - refurbishment of 10 existing retail units; the change of use of the first floor from C3 residential to B1 office and A2 financial and professional services, with associated access, parking, open space, play area and landscaping and the demolition of buildings housing a Medical Centre, Police Station, ATM and Library – approved November 2016.
15. 16/02136/FUL - Proposed Multi Service Centre comprising; Medical Centre, Pharmacy, Library, Town Council Office, Police Office and ATM; including associated landscaping, fencing, car parking and external works (following the demolition of 14 residential properties) – approved November 2016.

## REPRESENTATIONS

### Ward Councillor(s)

16. One Ward Councillor (Cllr Healy) raises no objection.
17. One Ward Councillor (Cllr Butler) raises no objection. However, he requests that any permission is subject to conditions relating to deliveries/loading to the new units. In particular:
  - Screening of the loading/delivery areas;
  - Substantial security measures; and
  - Restrict the time and days that deliveries/loading is carried out. i.e. during day working hours such as 8am to 5pm and none on Sundays and Bank Holidays (in the interest of public realm and amenity to residential neighbours)

### Town/Parish Council

18. Cotgrave Town Council does not object.

### Statutory and Other Consultees

19. The Borough Council's Environmental Health Officer recommends conditions. In respect of noise, the proposed retail units are close to residential premises, however they will be located within a commercial setting. Therefore, in order to ensure that the building is designed to minimise noise transfer to the residential premises a condition is proposed regarding an insulation scheme. In respect of lighting, a condition is suggested if external lighting is proposed to be installed. A condition is also recommended to control construction noise and dust
20. The Borough Council's Landscape Officer has advised that, despite the proposed tree removal, he doesn't object, the trees to be felled are reasonably prominent, but are screened from the north west by the retained trees along Candleby Lane and the plans show a net gain with 6 replacement trees. A tree protection condition is recommended.
21. The Borough Council's Recycle to Go Officer noted that the recycling site is shown to be moved and located to the far corner of the car, the proposed position is too close to housing so potentially would not be accepted. He suggests that 2 or 3 of the car parking spaces to the right of the access road into the front car park be used for the recycle site.
22. The Borough Council's Sustainability Officer has provided advice on new wildlife habitats, lighting and construction and also requested that it be demonstrated that there will be a Biodiversity Net Gain.
23. The Borough Council's Planning Policy Manager acknowledges that the proposal forms part of the wider regeneration of Cotgrave, in particular the regeneration of the town centre. The proposal is replacing the former parade of shops which existed in this location and were demolished recently. The proposal is supported by the Spatial objectives iv and v, and by policies 6 (Role of Town and Local Centres) and policy 7 (regeneration) of the Core Strategy.

24. The proposal is located within the identified local centre, therefore the principle of retail development is supported in Policy 25 of Local Plan Part 2. Policy 25 of the Local Plan permits various uses within ground floor primary frontages in district and local centres for any use, so long as 60% of all units within primary frontages are in A1 use. The demolition of the former units resulted in the remaining frontages in A1 use falling to well below this requirement at 45%. The addition of 4 additional units use will lead to the total number of uses in A1 frontages amounting to 60%. It is however proposed that 1 of the units is for either A1 or A3 use. If the unit is taken up by an A3 use, the overall number of A1 within the primary frontage will be less than 60%. However, this is a marked improvement on the current mix of uses. In addition, the proposal may offer additional benefits in terms of the overall regeneration benefits and improving the retail offer has the potential to increase the town centres viability and vitality, in line with the objectives of policy 6 (4) of the Core Strategy.
25. To conclude, having regard to the development plan as a whole, there is no objection to the proposal.
26. The Ramblers have co comments.
27. The Environment Agency has no comments.
28. Nottinghamshire County Council as Highway Authority has commented on the application that this is phase 4 of the wider Cotgrave village Centre redevelopment, of which the wider Highway implications have been considered and found to be acceptable. Having reviewed the content of the Transport Statement supporting the development, the officer is content it will not result a severe impacts on the local highway network or significant unacceptable risks to highway safety. Conditions are therefore recommended.
29. Nottinghamshire County Council Planning Policy advises that they do not have any strategic transport planning observations to make and no contributions towards local bus service provision are sought. They have requested that a Planning Obligation be added tin respect of the following:
- A Bus Stop Infrastructure contribution of £23,000 is paid to provide improvements to the bus stops RU0338 and RU0835 and shall include:
    - RU0338 Candleby Lane – Install real time bus stop pole & display including associated electrical connection, enforceable bus stop clearway and lighting in shelter.
    - RU0835 Candleby Lane – Install real time bus stop pole & display including associated electrical connection, raised boarding kerb and enforceable bus stop clearway.
30. After discussion with the officer, they have advised that they would accept this being dealt with by way of a condition.
31. Nottinghamshire County Council as Lead Local Flood Authority believes it is not required to respond to the application and provides general guidance:
1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
  2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

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

32. 2 representations have been received objecting to the application on the following grounds:
  - a. Property opposite has for 50 years looked out onto the rear elevation of the shops that are approximately 50m this property's windows, including views of rubbish.
  - b. Anti-social activities, taking of drugs, radios at full volume, attempted arson, urination, fornication, rats - no action has been taken.
  - c. The Council could rectify this by talking to the affected residents and asking for their opinion.
  - d. A sensible solution would be to locate the police office on the ground floor so that they had a better view of the precinct.
  - e. The units should be located on the land opposite the Coop which would allow opening hours and deliveries without restriction.
  - f. If approved, extended opening times would be opposed and restrictions on delivery hours and HGV's with audible reversing claxons would be necessary.

### **PLANNING POLICY**

33. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 (LPP1) and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LPP2). The overarching policies in the National Planning Policy Framework (the NPPF) are also relevant, where the local Development Plan is silent.

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

34. The relevant national policy considerations for this proposal are those contained within the 2019 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. 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.

35. The presumption in favour of sustainable development is detailed in Paragraph 11 of the NPPF. For decision making this means:
- “c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless;
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (and designated as Green Belt); or
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.”
36. There are three overarching objectives to sustainable development: economic, social and environmental.
- Economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - Social objective – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
  - Environmental objective – contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
37. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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 approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
38. Chapter 12 'Achieving well designed places' states that planning policies and decisions should ensure that developments 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, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging

appropriate innovation or change, with a high standard of amenity for existing and future users. Importantly, 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. However, where the design of a proposed development accords with clear expectations of plan polices, design should not be used by decision makers as a valid reason to object to the development.

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

39. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It states that the Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
40. Policy 2 (Climate Change) advises that development proposals will be expected to mitigate against and adapt to climate change, and to comply with national and local targets on reducing carbon emissions and energy use.
41. Policy 6 (Role of Town and Local Centres) identifies Cotgrave as a Local Centre and is also specifically referred to in point 4 as being in need of regeneration. The policy seeks to ensure that the vitality and viability of all centres will be maintained and enhanced, including widening the range of uses whilst maintaining a strong retail character, environmental enhancements and improvements to access.
42. Policy 10 (Design and Enhancing Local Identity) states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics; reflect the need to reduce the dominance of motor vehicles.
43. Development will be assessed in terms of its treatment of the following elements:
  - a) structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces;
  - b) impact on the amenity of occupiers or nearby residents;
  - c) incorporation of features to reduce opportunities for crime, the fear of crime, disorder and anti-social behaviour, and to promote safer living environments;
  - d) permeability and legibility to provide for clear and easy movement through and within new development areas;
  - f) massing, scale and proportion;
  - g) materials, architectural style and detailing;
  - h) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views; and
  - i) setting of heritage assets.
44. Policy 11 (Historic Environment) Proposals and initiatives will be supported where the historic environment and heritage assets and their settings are

conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.

45. Policy 14 (Managing Travel Demand) The priority for new development is selecting sites already, or which can be made, accessible by walking, cycling and public transport.
46. The Rushcliffe Local Plan Part 2: Land and Planning Policies was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policy in the Rushcliffe Local Plan Part 2 is particularly pertinent:
47. Policy 1 (Development Requirements) sets out that planning permission for new development will be supported provided that where relevant, a list of criteria set out in the policy are met. This list includes aspects such as no significant adverse effect upon the amenity by reason of the type and levels of activity on the site, or traffic generated, suitable access being provided, the relationship with nearby uses in terms of the amenity, the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area, noise attenuation is achieved and light pollution is minimised, it can be demonstrated that wherever possible, development is designed to minimise the opportunities for criminal activities and aspects such as ensuring no significant impact on wildlife, landscape character etc.
48. Policy 25 (District and Local Centres) main town centre uses (retail, office, entertainment, cultural and leisure) will be permitted within the District Centres and Local Centres, as defined within the policies map, provided they are designed at a scale and character which reflects the role, function and distinctive qualities of the centre. Any development that would have a significant adverse impact on the vitality and viability of a defined centre will not be permitted.
49. Within the primary frontages, as defined within the policies map, ground floor development will be permitted provided:
  - a) it does not result in A1 uses forming less than 60% of the total units;
  - b) it does not result in non-retail uses exceeding 20% of the total units; and
  - c) it does not result in A5 (hot food and take-away) uses exceeding 10% of the total units.
50. In District and Local Centres, development will be expected to create a more accessible, well-connected and well-designed centre. It should therefore:
  - a) be of a high standard of design and not adversely affect the centre by reason of its scale, bulk, form, layout or materials;
  - b) not result in the loss of buildings or other features, including open space, which make an important contribution to the appearance of the centre;
  - c) not cause a significant adverse impact on the amenity of nearby residents and occupiers;
  - d) not give rise to unacceptable environmental or public safety impacts; and
  - e) provide appropriate provision for servicing and parking.



51. The Adopted Policies Map identifies the application site as being within the primary retail area having a primary retail frontage facing into the horseshoe.
52. Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) outside of the Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
53. Policy 40 (Pollution and Land Contamination) sets out a number of criteria including in respect of lighting schemes to be designed to use the minimum amount of lighting necessary to achieve their purposes and to minimise any adverse effects beyond the site, and that proposals for development must identify potential nuisance issues arising from the nature of the proposal and address impacts.

## **APPRAISAL**

54. The main issues to consider in this application are:
  - The principle of development;
  - The design of the proposed development and its impact on the appearance of the surrounding area;
  - The impact of the proposed development on the amenity of neighbouring properties;
  - The impact on highway safety/parking;
  - The impact on trees; and
  - The impact on archaeology.
55. The overarching Policy 1 in the LPP1 reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF. In this instance the proposed development is considered to be a sustainable development and therefore is acceptable in principle subject to other material considerations being acceptable.
56. In respect of the appearance of the proposal in the area, the development replaces what was a two storey retail block with a single storey block having the same design and material ethos as the rest of the retail development/ refurbishment within the centre. In that regard it is considered to sit well in this context. From the rear, particularly when viewed from Candleby Lane and the properties opposite, the development would appear smaller than the former building on this site, however it would continue to have a blank rear elevation facing towards Candleby Lane. Due to intervening roads and landscaping it is not considered to result in significant harm to the appearance of the area when travelling along Cadleby Lane.
57. The adjacent properties on Candleby Lane are around 50m from the development, however the application site is on a higher level than this road and properties. Whilst it was suggested in representations received in relation to the application that the development be relocated elsewhere on the wider retail site, this is the site that was previously developed and until recently accommodated retail units. The planning process should not withhold

permission where material considerations of the application under consideration leads to a favourable outcome. Issues of security, noise and deliveries are matters that can be addressed in the design and layout of the scheme and by condition.

58. The comments of the residents are noted in respect of noise from deliveries and antisocial behaviour that may have historically taken place in the rear car park area of the site. A Ward Councillor has also expressed a desire to ensure that conditions limit delivery times and that adequate security is provided. The Council's Environmental Health Officer has not raised a concern with the proposal from an amenity/security issue however a condition is proposed to limit the time of deliveries to the units and also the opening times so as to accord with both economic delivery but also the protection of amenity.
59. The proposal would involve some alterations to the access to the highway, some and internal alterations to the car parking. Whilst there would be a reduction in the level of the parking in this particular part of the site, the redevelopment/regeneration of the precinct has resulted in an increase in the level of parking provision across the wider area. The Car Parking Appraisal which accompanied the submission concludes, amongst other things, that the total proposed car parking provision on the site, i.e. the wider town centre site, of 187 spaces is considered adequate to accommodate the required level of vehicle parking expected on the site. The Highway Authority have not raised an objection to the proposed changes subject to conditions.
60. In respect of the potential impact on trees and landscaping, the proposal would involve the removal of a number of reasonably prominent trees. However, on the basis of the overall improvements made to the access to the site and the indication that replacement trees will be planted, no objections to the proposal have been received from the Landscape Officer, provided a condition is imposed for the replacement planting and a condition regarding tree protection for those that are to be retained.
61. In respect of archaeology, the supporting documentation accompanying the submission advises that there *"...is a low to moderate potential for the Site to contain archaeological remains of Early Medieval, Medieval and Post-medieval date, and low potential for earlier remains. Any remains of prehistoric or early medieval date could be of regional or national significance, depending on their nature. Later remains are likely to be of local significance. If archaeological remains do exist within the Site boundary, they may be subject to direct adverse impacts as a result of the proposed development. The site of the new buildings has previously been levelled and developed which may have impacted on archaeological deposits, although the exact level of truncation is unknown. It is considered that there is a low potential for archaeological remains to be found during the building works on this part of the site. Works for the widened access road will take place on ground undisturbed by prior development and within the Cotgrave Historic Village Core. This area has a higher potential for sub-surface remains and is therefore more likely to suffer direct adverse impact. It is considered that archaeological mitigation in the form of a watching brief is required, in respect of the western part of the site which falls within the Historic Village Core."* It is considered that the suggested approach is proportionate to the likely significance of any archaeological features that may be encountered on the site.

62. In view of the concerns raised by the Recycling to Go Officer and the potential for the recycling facilities to impact on the amenities of neighbouring residential properties, these facilities have now been omitted from the scheme and the applicant has advised that they are likely to be located elsewhere within the wider town centre site.
63. The development/end use is of a type which would be required to make payments under the Community Infrastructure Levy and would attract a sum of around £63,000. Improvements are also required to nearby bus stops, to be secured through a condition of any planning permission.
64. In principle, the development is considered acceptable. Furthermore, it is considered that the proposed development would be acceptable in terms of its impact on the appearance of and the character of the area. It is also considered that the proposed development would not adversely impact on the amenities of occupiers of nearby residential properties and would not adversely impact upon archaeology or highway matters. Accordingly, the proposed development would accord with the policies of the LPP1 and of the LPP2. The application is therefore recommended for approval subject to conditions.
65. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning 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 strictly in accordance with the following approved plans:

3522 01C SITE LOCATION PLAN  
3522 02K-SITE BLOCK PLAN  
3522 03J-PROPOSED FLOOR PLANS  
3522 05D PROPOSED ELEVATIONS  
3522 06 PROPOSED CGIS 1  
3522 07 PROPOSED CGIS 2  
3522 12 Proposed Context Elevations  
COTG-A-2001 B  
Proposed External Levels CGP4-BSP-ZZ-XX-DR-C-210 P4  
Swept Path Analysis CGP4-BSP-ZZ-XX-DR-C-SK03 P2  
Proposed drainage layout CGP4-BSP-ZZ-XX-DR-C-240 P4  
Design and access statement, Tree report, Historic Environment Desk-Based Assessment, Cotgrave Shopping Precinct,  
Phase 2 Ecological Appraisal, Drainage Strategy, Car Parking Appraisal,

## Transport Statement

[For the avoidance of doubt, in the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. No part of the development hereby permitted shall be brought into use unless or until enhancements to the two bus stops on Candleby Lane (RU0338 and RU0835 ) have been made to the satisfaction of the Local Planning Authority, and shall include a real time bus stop pole & display including associated electrical connections, enforceable bus stop clearway and lighting in shelter at stop RU0338 and a real time bus stop pole & display including associated electrical connection, raised boarding kerb and enforceable bus stop clearway at stop RU0835.

[To encourage the use of buses as an alternative to the car; and to comply with policy 1 of the Local Plan Part 2: Land and Planning Policies)

4. No part of the development hereby permitted shall be brought into use until the widened vehicle access onto Candleby Lane shown indicatively on drawing 02 Revision H is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No part of the development hereby permitted shall be brought into use until the proposed parking, turning and improved servicing arrangements as shown for indicative purposes on drawing number 02 Revision H have been provided and constructed with provision to prevent the discharge of surface water from the parking area to the public highway. The provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Before the use of the buildings is commenced, an insulation scheme to effectively reduce the transmission of noise to adjacent properties, shall be submitted to and approved by the Local Planning Authority. The sound insulation scheme shall have regard to BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings, and BS4142:2014, stating all assumptions made. The approved scheme shall be installed prior to the use commencing and be retained for the life of the development.

[In the interest of the amenities of nearby residential properties and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. If external lighting is to be installed, it must be designed, located and installed so as not to cause a nuisance to neighbouring residents. The details of any such lighting shall be submitted to and approved by the Local Planning Authority, together with a lux plot of the estimated illuminance. The lighting

shall be implemented in accordance with the approved scheme and shall be retained as such thereafter.

[In the interest of residential amenity and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved method statement.

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that the mitigation measures are fully incorporated into any working practices during the demolition/construction phase of development].

9. A minimum of 6 replacement trees, of a species and details of which have been submitted to and approved in writing by the Borough Council shall be planted in position(s) previously agreed in writing by the Borough Council, during the first planting season after the felling of the tree(s) to be removed. Any tree(s) within a period of 5 years from the completion of the planting which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Borough Council gives written consent to any variation.

[In the interest of amenity and landscape value; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

10. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with details to be approved in writing by the Borough Council and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[In the interest of amenity and landscape value; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that the tree protection measures are erected prior to the construction phase of the development].

11. The opening hours of all 4 units hereby approved shall be limited to Monday to Saturday: 8am-8pm and Sundays: 10am-4pm.

[In the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

12. Deliveries to all 4 units hereby approved shall be limited to

Monday to Friday:7am to 8pm

Saturday:7am to 8pm

Sunday: No deliveries

[In the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. Units annotated as 1-3 on the approved plans shall be used for A1 Retail purposes only. Unit 4 Shall be used for either A1 Retail and/ or A3 cafe only.

[For the avoidance of doubt and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

14. Details of any external seating shall be submitted to the Local Planning Authority prior to an area being used for any such purposes. The seating shall thereafter be installed and retained in accordance with the approved details.

[For the avoidance of doubt, in the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for a watching brief to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation and the details of such a scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be fully implemented during the relevant stages of the construction phase.

[To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible and to comply with NPPF 16 (Conserving and enhancing the historic environment), policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before development commences on site to ensure that measures are in place to record any finds of archaeological importance that may be found during excavations on site].

### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

The above proposals involve works within the public highway, that is land over which you have no control. The Highway Authority will therefore require you have any the relevant legal agreements / licenses in place to cover the design and construction of the works prior to their commencement . Please contact Mr Jan Witko Tel. 0115 9774364 at an early stage to how best this can be achieved.