

# 19/02914/FUL

**Applicant** Rushcliffe Borough Council

**Location** Land East Of Chapel Lane Adjacent Level Crossing Chapel Lane  
Bingham Nottinghamshire

**Proposal** Construction of new leisure centre with swimming pool and fitness suite, new community hall sharing entrance and common facilities with the leisure building, new separate office building, and new car park to serve these buildings.

**Ward** Bingham East

## THE SITE AND SURROUNDINGS

1. The application relates to a vacant previous employment site (builders merchants) situated directly north of the railway line on the eastern side of Chapel Lane, Bingham. Buildings on the site have already been demolished and has become overgrown. Sites to the north and east are occupied by industrial units with the unit to the east owned by the Borough Council and presently occupied by Streetwise. On the opposite side of Chapel Lane is a Lidl retail store and a car washing operation. To the south of the site, on the opposite side of the railway line, are residential properties. A level crossing over the railway line is adjacent to the south west corner of the site.

## DETAILS OF THE PROPOSAL

2. Full planning permission is sought for the erection of a leisure centre, incorporating a community hall, and a separate office building. The leisure centre building is proposed to be located at the rear of the site and would incorporate a 25m six lane swimming pool with separate learner pool. Spectator seating is proposed to serve the pool to allow for competitive swimming. A gym with spin and studio rooms and dry changing facilities are proposed at first floor level. Within the leisure centre building would be a proposed community hall with an estimated maximum occupancy of 310 people. The community hall would have a stage area and ancillary facilities, such as a kitchen and storage area, and changing rooms for theatre productions. Access to the community hall would be through the main leisure centre reception area.
3. A separate two storey office building is also proposed on the site which is proposed to be sited at right angles to the leisure centre, adjacent the northern boundary. The space between the buildings is designed to be a communal landscaped area. The building would provide self contained units at the ground floor with their own frontage and entrance. To the first floor would be a suite of office units of varying sizes with shared facilities accessed off a common circulation route. The suite allows for a common working area as a facility for small business and to allow opportunities for networking and business collaboration. The design of the office building has been designed to reflect the architectural language of the larger leisure centre building.

4. The main elevation of the leisure centre is orientated west and it is acknowledged that the pool usage is sensitive to solar glare reflecting off the water and wet surfaces. Large vertical shading panels to the front windows would be incorporated into the elevation to control the admittance of direct sunlight into the pool hall, which are proposed to be supplemented by tinted solar control glass and partial internal shutters. The entrance to the building has been designed to be below a covered area creating a buffer from rail before the point of entry. The building would have a horizontal emphasis with the mass offset through the use of vertical piers expressing the position of the structural frame. The application is supported by Computer Generated Models.
5. The materials proposed are two different types of brick to be used to articulate the buildings with cladding and glazed elements framed alternately within the primary building fabric. Small scale areas of brickwork would be given a textured pattern. In respect to colour, the main areas of the elevation comprise the natural colour of the brickwork set against neutral tones of the cladding panels. Stronger colours are proposed to be used to give visual focal points to elements such as the entrances and the brise soleil panels. The submitted Design and Access Statement provides additional information on the material precedent with precise details proposed to be secured by way of a planning condition.
6. The site entrance would be off Chapel Lane at a point as far as possible from the level crossing to the railway line. A new pedestrian and cycle route is proposed to be created to the north of the railway line along the southern edge of the site linking Chapel Lane with the public bridleway to the east of the site which then allows access across the unmanned crossing and improves links to the town centre.
7. A car park would be laid out to provide 207 parking spaces including 12 accessible spaces. The office would have 24 dedicated parking spaces within the area of the car park. The application is supported with a car park management plan to ensure that spaces are available for the proposed uses. Chemical deliveries and refuse collection is proposed to be achieved by using an access from the Moorbridge Road site entrance at the north eastern corner of the site. Cycle parking would be provided for both the leisure centre and the office uses and the layout of the carpark allows for coaches to traverse through the site without reversing and provides for coach waiting within the site.
8. A landscaping plan has been submitted which includes the provision of replacement tree planting and retention of appropriate landscaping where possible. It is acknowledged that the landscaping scheme would play an important role in the overall success of the scheme and provide both biodiversity enhancement and visual amenity.
9. The application proposes that the employment building has the opportunity to open 24 hours a day, 7 days a week and the application as originally submitted proposed the Leisure Centre to open 6 am to 12 midnight Monday to Friday, 7 am to 12 midnight Saturday and 7am to 9pm on Sundays and Bank Holidays. In order to minimise the potential impact on neighbouring properties this has been amended to 6.30am to 11pm Monday to Thursday,

6.30 am to 12 midnight on Fridays, 7 am to 12 midnight on Saturday and 7am to 9pm on Sundays.

10. The application and plans are supported by the following documents:
- Design and Access Statement
  - Flood Risk Assessment and Drainage Strategy
  - Air Quality Assessment
  - Transport Assessment
  - Travel Plan
  - Car Park Management Plan
  - Community Engagement Statement
  - Combined phase 1 and 2 report (Site investigation – ground conditions/contamination)
  - Written Scheme of Archaeological Investigation.
  - Landscape report
  - Tree Survey
  - Environmental Noise Survey
  - Protected Species Surveys including reptile survey
  - Biodiversity Net Gain Assessment
  - External lighting plan
  - External Services Plan
11. The Borough Council as landowner is the applicant.

## **SITE HISTORY**

12. Planning permission was granted in March 2013 (10/01853/FUL) for a Retail store (A1), car parking, bus stop, pedestrian linkages, petrol filling station; landscaping; recycling facilities and access road. This permission was subject to a S106 agreement requiring contributions for sustainable transport, air quality, integrated transport, level crossing and town centre improvement contribution. Pre commencement conditions were discharged and works started on site comprising demolition of the existing buildings and site clearance.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

13. No comments received from the Ward Councillors
14. Adjacent Ward Councillor (Cllr J Stockwood) supports the application and acknowledges that he is member of the working group for the leisure centre project and involved in the Town Council and refrains from commenting further.

### **Town/Parish Council**

15. Bingham Town Council state that the Committee had no objection to the plans but wished to make the following comments in relation to the community hall:

- that it is suitable for a range of community uses and available and fully accessible to youth groups, the elderly or less able or partially sighted or blind, hard of hearing or deaf or otherwise disadvantaged;
  - is a fully fitted and equipped catering kitchen and food preparation area and a fully fitted and equipped bar for the supply of alcoholic and non-alcoholic beverages; and
  - in regard to access and egress to the entire site to and from Chapel Lane, there is a concern that because of the increase in traffic, due to subsequent developments along Chapel Lane, traffic movement will be hindered.
16. Saxondale Parish Meeting, as adjacent Parish Meeting comment that, whilst welcoming the provision of a new leisure centre and community facility in Bingham, concern has been expressed in respect of the following:
- Insufficient car parking on site. Given the capacity of the centre, the community hall and office accommodation, the car parking provision is clearly insufficient. Failure to deal with this issue will lead to blockages and increased congestion in what is an already very busy area.
  - Difficulties of traffic movement resulting from vehicles entering and leaving the facility in a location which already has extensive congestion problems.
  - The potential noise to users of the community hall from vehicular movement and noise likely to emanate from the leisure side of the facility will mean that strong noise attenuation measures will need to be considered.
  - In respect of non-planning related issues, concern has also been expressed about the suitability and size and design of the proposed community hall, the lack of a bar facility and other technical concerns which are not planning related but are of concern (no further information was submitted in relation to this point).

### **Statutory and Other Consultees**

17. Highways England confirm they have no objection.
18. Nottinghamshire County Council as Highways Authority note that the application is supported by a Transport Assessment which follows the previously agreed methodology of assessment. Based on the assessment provided it is accepted that the proposed development will not result in a severe impact on the public highway. They note that the proposed development is to be accessed via a simple priority controlled junction on Chapel Lane to the north west corner of the site. This is broadly in line with that approved for the previously permitted Tesco scheme on the site. The details confirm that visibility splays are achievable and layout acceptable. Keep clear markings are proposed along the southbound side of Chapel Lane carriageway at the access point to prevent the site access junction being blocked during periods of queuing back from the level crossing.

19. A secondary service access is proposed from Moorbridge Road and the principle of this is acceptable. It is noted that the turning head at the end of Moorbridge is not part of the adopted highway. Access and manoeuvring at this point will not impact on the public highway.
20. The proposal includes widening the footway along the site frontage to a minimum of 2m which is welcomed. It is noted that wider footway improvements have been secured as part of other developments in the area and no further improvements are required as part of this development
21. A separate pedestrian route is proposed to the south of the site linking to an existing bridleway to the east of the site, improving connectivity of the site.
22. The level of parking is within the maximum level of provision set out in the Nottinghamshire Highway Design Guide and the layout proposed is acceptable. A car park management plan has been submitted and should be secured by condition. Level of cycle parking is considered appropriate. This should be secure with weather protection. The Travel Plan is considered acceptable.
23. Nottinghamshire County Council as Lead Flood Risk Authority (LLFA) have no objections subject to a condition requiring a detailed surface water drainage scheme based on the principles of the Flood Risk Assessment and Drainage Strategy
24. Nottinghamshire County Council Rights of Way Officer notes that there are no recorded public rights of way within the application boundary. The provision for the shared pedestrian/cycle path would be outside of the public rights of way remit and it would need to be considered how it would be maintained and if it would require adoption in order to achieve the higher expectations of surfacing and street lighting. Where the proposed new route is expected to meet the existing stone surfaced public bridleway at the unmanned railway, they request that the detail and design of the junction is submitted to ensure that any increase in public use can be safely accommodated
25. Nottinghamshire County Council Strategic Planning Officer makes the following comments:
  - 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. Therefore, no objections on these grounds are raised.
  - In terms of the Waste Core Strategy there are no existing waste sites within the vicinity of the site whereby the proposed development would cause an issue in terms of safeguarding existing waste management facilities. It is recommended that the application is supported by a waste audit and development should be designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting recycling and recovery of waste arising from the development.

- The site has high archaeological potential with the proximity of a henge monument which is scheduled as being of national significance. If permission is granted it should be conditional upon a scheme of archaeological mitigation.
  - In relation to planning obligations, the County Council request that a contribution of £15,000 is paid to provide a public transport information point including maintenance and communications.
  - It is expected that the developer would provide a Travel Plan including reference to ticketing incentives for employees to encourage sustainable travel to the site.
26. Sport England initially raised queries regarding the location of the development and the relationship with the existing provision in Bingham. Following the provision of additional information, they confirm that they are now able to support the proposed development which delivers new/improved sports facilities, the need for which has been identified in relevant studies and is informed by appropriate evidence. They also support the continued discussions with the Education Trust to ensure that the facilities retained at Toot Hill School continue to provide facilities which meet school/curricula needs and a continuation of community access.
27. Swim England do not wish to comment on the design and note that the team engaging with them have incorporated most of their comments into the scheme.
28. Network Rail notes that the proposed development is sited next to two level crossings and they have concerns that the proposed development will increase usage of these crossing based on the information provided at this stage. They therefore require the following:
- In relation to the Moor Lane level crossing, it is considered that the development is likely to increase the attractiveness and use of the crossing as a means of accessing the new leisure centre. In order to mitigate the anticipated increase in use and risk improvements to the crossing deck (replacement of current surface with rubber deck) and improving both approaches to the crossing should be undertaken at the developers expense (further correspondence confirms the costs to be £20,000). Without these improvements they consider that the scheme will have an unacceptable impact on operational railway safety at this crossing.
  - No part of the proposed development should obscure the approaches, warning signage and lights of either of the crossings. During and after construction the crossing approaches should remain clear and unobstructed at all times in order to ensure that users may safely enter and leave the crossing area at all times.
  - All operations must at all times be carried out in a fail safe manner and excavations/earthworks must be designed and executed such that no interference with the integrity of that property/structure can occur. Construction management plan will be necessary in relation works in

the vicinity of the railway line including information on machinery, scaffolding and cranes.

- Security of the railway boundary to be maintained and details of boundary fencing to be agreed. It is noted that the proposals include provision of an acoustic fence and this may meet the requirement.
  - Armco or similar barrier to be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing.
  - Landscaping plans should be submitted and agreed.
  - Lighting details should be agreed.
  - Level crossing improvements, boundary fencing, Armco barriers, method statements. Lighting and landscaping details all need to be conditioned.
29. Trent Valley Internal Drainage Board confirm that the site is within the Boards district and there are no Board maintained watercourse in close proximity to the site. Surface water run off rates to receiving watercourse must not be increased as a result of the development and the design, operation and future maintenance of site drainage systems must be agreed with the LLFA and LPA.
30. Notts Wildlife Trust make the following comments:
- They are pleased to see the inclusion of a Biodiveristy Net Gain Assessment which includes an extended phase 1 Habitat and map. The recommendations of this report should be followed to achieve net gain for the development.
  - They are concerned that not all species have been considered within the protected species report as the site habitats appear to be suitable for hedgehogs. Hedgehogs are a Species of Principal Importance on Section 41 of the NERC Act (2016) and are also a priority species and should be protected from development.
  - They would expect to see update pre commencement surveys undertaken and precautionary approaches adopted during vegetation and clearance works.
  - They suggest that conditions need to be attached in relation to vegetation clearance timings to avoid bird nesting season as per protected species survey, a pre commencement condition for badgers, construction environmental Management Plan to provide a working method statement and information for contractors in line with the recommendations within the Protected Species Survey and Reptile survey, a biodiversity enhancement plan.
31. The Environment Agency consider that the previous use of the site presents a risk of contamination that could be mobilised during construction to pollute controlled waters. The application demonstrates that it will be possible to

manage the risks posed to controlled water, however detailed information will be required before any building works are undertaken. This can be achieved by attaching conditions in relation to the submission and approval of a remediation strategy and then subsequent verification report.

32. British Transport Police make the following comments:
  - a. The proposed new leisure centre will attract a lot more people to this location. In particular, there may be groups of young people and this is immediately adjacent to the railway lines.
  - b. The location of the cycle racks down the side of the building and the placement of benches on the cycle route backing onto the railway boundary is problematic.
  - c. It is suggested that the cycle rack is moved to the front of the building and question whether the benches are essential.
  - d. Boundary treatment will be important – BTP recommends a minimum of 6 foot palisade with anti climb topping in consultation with Network Rail. They need assurance that the fencing will be of sufficient standard to deter trespass and installed in consultation with BTP and Network Rail.
  
33. Police Architectural Liaison Officer notes that the leisure centre is to be located within South Nottinghamshire area where the majority of crime types are below average with the exceptions being shoplifting and bicycle theft. Leisure Centres tend to attract theft of bicycles across the County. The risk is likely to escalate even further in the future with the gradual shift towards sustainable transport. They therefore subscribe to the initial concerns from British Transport Police with regard to the original position of the bicycle storage. This could be addressed in two ways – by maximising natural surveillance in an area directly overlooked by staff and ideally by gym users and providing secure bicycle storage facility, i.e. storage shed constructed of materials such as welded mesh, grills or bars, polycarbonate or other secure glazing so it remains open to surveillance. Also agrees that providing benches along the pedestrian/cycling path is likely to attract anti-social behaviour.
  
34. Cadent Gas raise no objections and comment that due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.
  
35. The Borough Councils Landscape Officer agrees with the findings of the tree survey, whilst there are numerous trees on the site, their overall quality is low. The trees on the Chapel Lane frontage are most prominent, but since the Council acquired the site, they have caused issues by obstructing the signage and lights for the rail crossing and they are a rather shabby group. In the long term the proposed removal and replacement planting will provide a far more appropriate boundary treatment for the proposed leisure centre.
  
36. The soft landscape drawing shows that it is the intention to retain 2 trees on the northern boundary G2400-C1 and G2402-B1 where possible and 3 other

trees appear to be retained ExT2393-C1 on the southern boundary, Ex. G2396-C1 to the south of the main entrance and Ex. T2899-C1 between the other 2 trees on the northern boundary. A condition regarding tree protection measures is required in accordance with BS5837 for these trees and if additional tree felling is needed, this should be agreed in writing with him before the work takes place. As a detailed landscape plan will need to be conditioned, he is satisfied if any of the retained trees did need to be removed at a later date, suitable replacement planting can be ensured.

37. He has no objections to the soft landscape strategy. Further detail can come forward as part of the detailed landscape plan at a later stage.
38. Discussions have taken place about the appropriateness of installing trees within the parking area. He is satisfied that the 8 trees on the landscape plan will help soften the parking area, but it is essential they are planting in appropriate tree pits to ensure they thrive in the long term and don't cause root damage to the surface. Details of the tree pits have been submitted and these are considered acceptable and essential. He is also satisfied with the extent of planting proposed close to the leisure centre and the courtyard area. A tree protection scheme will also need conditioning.
39. The Borough Councils Environmental Health Officer raised some initial queries in relation to the noise impact assessment submitted and additional information was submitted. It is now considered that the report adequately covers all aspects of potential noise impact and the mitigation measures suggested in the noise assessment are implemented. This should be secured by condition. Discussions have taken place in relation to the proposed acoustic fencing along part of the Chapel Lane frontage. It has been acknowledged that the daytime noise level predicted for the use of the car park without the barrier in place was less than the existing noise levels in this area. The introduction of the barrier was to reduce the noise levels from the car park use between 11pm – 7am. It was queried whether the hours of operation will be restricted to those hours and if not whether restrictions could be put on the car park to prevent the use of the car park near to Chapel Lane until after 7 am?
40. A lighting plan has been provided with the application, however this does not provide full details on the predicted lighting lux levels at the nearest sensitive receptors. This should be secured by condition.
41. The methodology in the air quality assessment is agreed and it is considered that there will be no significant impact on air quality as a result of the operation of this facility. The recommended control measures identified in the report should be incorporated into the Construction Environmental Management plan.
42. In relation to contamination the report accompanying the application does provide details of the previous uses of the site and also the results of sampling undertaken. In terms of impact on human health, there was no widespread contamination of soils based on the proposed commercial use. However, there is the possibility of asbestos within made ground that will require further remediation works. A condition requiring further site investigation and potential remediation strategy is recommended. In relation to controlled waters this area is led by the Environment Agency.

43. It is noted that the facility includes a kitchen area within a café and the details of the proposed extract ventilation system for the cooking area shall be submitted and approved by condition.
44. The Borough Councils Environmental Sustainability Officer has no objections and recommends conditions to secure biodiversity protection and enhancement and sustainability features.
45. The Borough Councils Licensing Officer has no objections

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

46. One resident of East Bridgford, and member of gym at Bingham Leisure centre and regular hockey user of the all weather sports pitch facility at Toot Hill makes the following comments:
  - a. He is supportive in principle of the proposals to develop the Chapel Lane site.
  - b. His concerns relate to the operation of the remaining facilities at Toot Hill – how they will operate and the charges that will apply.
47. One resident of Bingham objects to the application and raises detailed comments which are summarised as follows:
  - a. Highway safety concerns, in particular the location of the road access and the adjacent level crossing. Current problems exist with tailbacks and the proposed development will result in increased traffic. Need also to consider the further increase from the housing development proposed in the area. He considers that there are solutions including access via Moorbridge Road and or use of roundabouts.
  - b. Appreciates that the access to the site is similar to the one granted to Tesco but that permission should not have been granted for the reasons above. The proposed leisure centre will produce greater peak flow due to swimming and fitness classes requiring a lot of people to arrive at the same time.
  - c. It is noted that Highway England have no objection but that is because it does not affect roads for which they are responsible.
  - d. There is no traffic impact statement.
  - e. Provision of a cycle and footpath access on the southern boundary is good but questions how to get to it on a bike. Queries whether the rail authority are happy to have increased use of the level crossing at Moor Lane.
  - f. Queries how wheelchair users from the west of Bingham will safely get to the site.

- g. As a resident of Bingham, it is considered that the new leisure centre will be a great benefit to the local residents but is concerned that the access issues have not been properly addressed in the design.

## **PLANNING POLICY**

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

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

49. The NPPF carries a presumption in favour of sustainable development. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 127 states that Local Planning Authorities should seek developments which are visually attractive as a result of good architecture and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
50. Paragraphs 91-93 of the NPPF set out the role of the planning system in facilitating social interaction and creating healthy, inclusive, communities and plan positively for the provision of, amongst other things, community facilities. Policy 12 of the Core Strategy is consistent with this objective and states *"The provision of new, extended or improved community facilities will be supported where they meet a local need, as too will the retention of existing community facilities where they remain viable and appropriate alternatives do not exist."*
51. Guidance contained within the National Planning Policy Framework states that one of the key principles of sustainable development is to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. It also goes on to state that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
52. The planning system also has an economic objective and section 6 of the NPPF relates to building a strong competitive economy. This emphasises that planning decisions should enable sustainable growth and expansion of all types of businesses in rural areas including through provision of well designed new buildings.

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

53. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the determination of the application:
- Policy 1 - Presumption in favour of Sustainable Development
  - Policy 2 - Climate Change
  - Policy 5 – Employment Provision and Economic Development
  - Policy 10 - Design and Enhancing Local Identity

- Policy 12 - Local Services and Healthy Lifestyles
  - Policy 13 - Culture, Tourism and Sport
  - Policy 14 - Managing Travel Demand
  - Policy 17 - Biodiversity
54. The following policies in the Rushcliffe Local Plan Part 2: Land and Planning Policies are considered to be relevant to the determination of the application:
- Policy 1 - Development Requirements
  - Policy 15 – Employment Development
  - Policy 30 - Protection of Community Facilities
  - Policy 31 - Sustainable Tourism and Leisure
  - Policy 38 - Non Designated Biodiversity Assets and the wider Ecological Network
  - Policy 39 - Health Impacts of Development
  - Policy 40 - Pollution and Land Contamination
55. The policies in the Core Strategy and Local Plan Part 2 are available in full along with any supporting text on the Council's website at:  
<https://www.rushcliffe.gov.uk/planningpolicy/localplan/>.
56. Rushcliffe Borough Council – Corporate Strategy 2019 - 2023, Rushcliffe Sustainable Community Strategy 2009-2026 and Leisure Strategy (2017 – 2017) and local policy 'Spatial Planning for the Health and Wellbeing of Nottinghamshire 2016 are of relevance. The Borough Councils Corporate Strategy identifies the Councils four priorities including quality of life with a commitment to, inter alia, protecting our residents health and facilitating healthier lifestyle choices and providing high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council.
57. The Borough Council has an adopted Leisure Facilities Strategy (2017 – 2027). The vision of the Strategy is 'to provide high quality, financially sustainable leisure facilities to support Rushcliffe residents to enjoy healthy active lives'. This strategy identifies that Bingham Leisure Centre, as the largest and oldest of the sites assessed, requires the most significant works in the short, medium and long term and this strategy highlights Bingham as a priority site for replacement /substantial improvement.
58. The Council commissioned a comprehensive feasibility study and options appraisal focussing on the potential to provide a new leisure centre on the Toot Hill School Site. This study reviewed 4 potential locations on the school site as well as the existing leisure centre footprint. This identified technical and operational difficulties and high associated costs of all potential locations. The Council's Cabinet in July 2018 decided to undertake a feasibility review of constructing a new Leisure centre on this site and in Feb 2019 the Councils Cabinet acknowledged the outcome of the options appraisal for the Chapel Lane site and approved the development of a new leisure centre and commercial officers at that location, while retaining sports hall and outdoor facilities at the Toot Hill school site.
59. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) specifies that certain types of developments

should be subject of an Environmental Impact Assessment. This application has been screened and it is considered that the application does not require an EIA.

60. The Bingham Growth Board commissioned a masterplanning exercise to produce a Vision Masterplan and Action Plan for the area (Brilliant Bingham: A 10 year vision). This identifies a variety of key short, medium and long term projects to shape the future economic development and regeneration of the town.
61. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.
62. The Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.

## **APPRAISAL**

63. Local and National Planning Policies and guidance promote the enabling of, and supporting healthy lifestyles and promoting social interaction, including the provision and improvement of community facilities. Planning should promote and facilitate opportunities for sport and physical activity, which is important for the health and well-being of communities. This should be balanced with the need to ensure that the amenity of existing residents is carefully considered and any undue detrimental impact mitigated if necessary.
64. Policy 1 of the Local Plan Part 2: Land and Planning policies sets out criteria that need to be considered for new development which include impact on highway safety, residential amenity by reason of the type and levels of activity on the site or traffic generated, noise pollution being minimised, and consideration of wildlife interests.
65. Policy 15 of Local Plan Part 2: Land and Planning policies sets out criteria which relate to Employment Development and allocates sites of a lesser scale than those identified in the Core Strategy in Policy 5. This site has the benefit of a long standing employment allocation and Part 2 reallocates part of this site for employment development. Whilst this was envisaged in the rear section of the site as identified on the figure 10 of the Plan, it is considered that the area of the site now proposed to accommodate the office unit is appropriate and will still provide the level of potential employment opportunities to support significant housing growth in the east of the Borough. The proposal for providing office B1 accommodation is in accordance with Policy 5 and the associated facilities which are available within the proposed leisure centre will support the functioning of the employment site.
66. The Borough Council's Leisure Strategy identifies Bingham Leisure Centre as a priority site for replacement/substantial improvement and subsequent feasibility reports have been commissioned by the Borough Council to investigate further the provision of new leisure facilities in Bingham, including a review of the potential for the existing Toot Hill Site to accommodate such provision. This identified technical and operational difficulties and high

associated costs of all potential locations on the existing site and led to the identification of this site as part of a wider commercial development of the site. There has been a longstanding desire by the Town Council to achieve improved community hall facilities in the town and such a facility is proposed to be incorporated into the building. The principal of new facilities has been welcomed by Sport England.

67. In supporting new leisure/community buildings and uses, this needs to be balanced with the need to protect the amenity of neighbouring and nearby residential properties. The site is located within a predominantly mixed commercial area to the north of the railway line and accessed from a main thoroughfare with both road and railway noise present in the background. Residential properties do however exist on the opposite side of the track. It is acknowledged that an introduction of these types of uses on the site could potentially give rise to additional noise and disturbance, particularly in the evening if events are taking place and late at night when people leave the facility. A noise impact assessment was requested and has been reviewed by our Environmental Health Officers. Conditions are proposed to control the extent of noise emission from the site and include the provision of acoustic fencing to the railway boundary.
68. The hours of operation in relation to the leisure and community building have been reduced since originally submitted to minimise impact on neighbouring and nearby properties and it is now considered that, on balance, the acoustic fencing that was first recommended along part of the Chapel Lane frontage is not justified. Residential properties that would benefit from such a structure are located on the opposite side of the railway line and are already affected by rail and traffic noise and such a fence is likely to only be of benefit for a maximum of two hours a week when the community hall may operate later than 11pm. To provide the fence would impact on the ability to facilitate the cycle/pedestrian route through the site and would impact on the visual amenity of the area. These amended hours will be controlled by planning conditions. No objections have been received from Environmental Health regarding the original hours of operation submitted in relation to either building.
69. In considering applications, Policy 1 (Development Requirements) of the Local Plan Part 2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highway Authority. For both the aspects of the application careful consideration has to be given to highway safety implications of the development. Access into the site is considered to be acceptable by the County Council as the Local Highway Authority and Highways England do not consider that it would detrimentally affect the wider strategic network. The Transport Assessment took into account the committed housing developments in the vicinity of the site. Conditions are proposed to ensure the provision of the access and its visibility splays are achieved. Car parking provision on the site is considered to be at an acceptable level and the car parking management plan submitted with the application is considered necessary to ensure that parking is controlled on the site to secure its availability for users of the leisure Centre and offices. Consideration has been given to the potential for school buses to need to access and park at the site whilst school swimming lessons are taking place and the layout has been

designed to accommodate this. The majority of the servicing of the leisure centre will be undertaken by taking access from Moorbridge Road at the rear of the site.

70. Whilst it is acknowledged that some community events or galas may attract an increased level of parking requirements, it is likely that this will be outside of office hours and therefore it will be possible for shared use of these parking spaces outside of normal employment hours/days. The location of the development allows for the site to be accessed by alternative means of transport. It should also be noted that the level of parking satisfies the County Council's Parking standards for these types of uses and no objections on car parking or access have been raised by the County Council as Highway Authority.
71. The proposed development also allows the creation of a cycle/pedestrian link from Chapel Lane to the public bridleway to the east of the site. This would improve linkages in the area and is considered to be appropriate and necessary to achieve in line with the overall objectives of the Bingham Masterplan. It is also noted that this Masterplan includes a long term aspiration for the site to potentially accommodate a new railway station and it is considered that the scheme as submitted does not compromise the delivery of such a facility, should it be possible to achieve in the future.
72. Policy 1 of the Local Plan Part 2 sets out general criteria that should be applied to new development and the NPPF at section 12 places great emphasis on decisions achieving well designed places and high quality buildings. It is considered that the development will function well and add to the overall quality of the area. The design and layout of the site and buildings has been given careful attention to ensure that the development is visually attractive as a result of good architecture, layout and appropriate landscaping and will make a positive impact on the public realm. The buildings have also been positioned and designed to ensure that the development will not give rise to any undue physical impact from matters such as overlooking on nearby residential properties. Windows on the side elevation at first floor are narrow and are a sufficient distance away from the residential properties on the opposite side of the railway line to ensure no undue loss of privacy would result.
73. Policy 17 of the Core Strategy envisages that biodiversity will be increased in the Borough during the plan period by, amongst other things, seeking to ensure new development provides biodiversity features and improves existing biodiversity features wherever appropriate. Policy 38 of the Local Plan Part 2: Land and Planning Policies states that 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.
74. It is acknowledged that there will be some loss of habitat and landscaping on the site to accommodate the proposed development. Care has been taken to secure appropriate landscaping along boundaries and within the car park area including tree coverage. The Borough Councils Landscape Officer is satisfied that this is appropriate. Consideration has also been given to the

use of appropriate species along the railway boundary to ensure safety of the railway line is maintained.

75. An ecological report has been submitted with the application and this has been considered by the Council's Environmental Sustainability Officer and Nottinghamshire Wildlife Trust. Conditions are proposed to secure biodiversity enhancement on and off site to a level that is recommended in the biodiversity net gain document submitted with the application and additional pre commencement surveys.
76. The site is located next to the railway line and, therefore, careful consideration has been given to whether any undue impact on the railway line and its users would result from the development. Comments with regard to the level crossing have been considered above and Network Rail have commented on other aspects of the scheme including the layout, landscaping and boundary treatment and the proposal has been amended in response to those comments where necessary. It is noted that Network Rail have no objection and informatives are recommended to ensure adequate protection of the line during construction works.
77. The comments of the Town Council in relation to the internal provision of facilities within the community building itself are noted, however this is not a planning consideration to be addressed and falls outside of the planning process.
78. With regarding to matters relating to general sustainability, the scheme has been designed to conform to good sustainability principles including high level of insulation and an appropriate level of glazing to limit heat loss but also to provide sufficient daylighting into the building. Appropriate technologies have been utilised to include a combined heat power and cooling plant and photovoltaic panels to the office building. The leisure centre roof has also been future proofed to allow for potential installation in the future. Electric car charging points are also proposed to be available to serve both the office and leisure facility and this can be secured by way of a planning condition. A framework Travel Plan has been submitted with the application to encourage sustainable modes of transport to the site and sufficient cycle parking provision has been accommodated in the plans. Conditions are recommended in relation to further information to help secure the commitments in the Framework Travel Plan.
79. Careful consideration has been given to the requirement to ensure that developments are safe and accessible so that crime and disorder do not undermine the quality of life or community cohesion. The advice of the Police has been sought and has been taken into account, particularly in relation to the location of the cycle stand facilities. Revisions have been undertaken to the scheme to ensure that they benefit from natural surveillance from users and staff of the facilities. The originally proposed benches to the boundary of the site with the railway line have been removed from the proposal.
80. In relation to undesignated heritage assets, buried archaeological assets have been considered by way of the submitted Archaeological Desk Based Assessment. This recommends that the condition attached to the previous permission on the site which required the implementation of a programme for a watching brief on the site is also attached to any subsequent consent.

81. Under S149 of the Equality Act 2010 a duty exists which requires decision makers to give specific, careful consideration as to the potential implications of any equalities impact on those with protected characteristics. The protected characteristics to which the act applies include age, race, religion, sexual orientation, disability and pregnancy. In the design of the facility and the layout of the site consideration has been given to this matter.
82. Other material planning considerations including contamination, air quality, flood risk and drainage have also been considered by the assessment of the submitted technical reports by the appropriate consultees and no objections in principal have been raised. A number of additional reports and potential remediation and mitigation are necessary and can be considered by way of planning conditions.
83. The comments in relation to the continued use of Toot Hill School are not directly related to the determination of this planning application and it is understood that ongoing discussions are taking place in relation to a separate agreement for continued access to some sports facilities for the wider community and sports groups. It is noted that no objections to the application and the wider implications for sport in the Borough have been received from Sport England.
84. With regard to the request for S106 money for the provision of a Public Transport Information Boar, Councillors are reminded that 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 requirements are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 (as amended) and as policy tests in the National Planning Policy Framework. Whilst the provision of public transportation information in the form of that requested would be desirable and aspirational, it is not considered necessary to make the development acceptable and, therefore, on this occasion a monetary contribution is not being sought. It is noted that a travel noticeboard is proposed within the framework Travel Plan to provide information on local services etc and this is considered appropriate for the nature of the development proposed.
85. In conclusion, the proposed development would enhance the facilities available in the locally and within the Borough and also provide community facilities in line with the Borough Council Leisure Strategy, providing health benefits in line with guidance within the NPPF and the Council's own local planning policies. The proposal also includes provision of employment facilities to help foster small businesses and employment opportunities. Any undue impact can be appropriately mitigated by the use of planning conditions.
86. This application has been subject to informal pre application advice and discussions. Further discussions have taken place during the consideration of the application in an attempt to resolve issues raised by interested parties,

which has resulted in the submission of additional information. This has ultimately resulted in a favourable recommendation.

## **RECOMMENDATION**

It is RECOMMENDED that the Executive Manager – Communities be authorised to grant planning permission, subject to the prior signing of a section 106 agreement in respect of railway crossing improvements and the following conditions:

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 undertaken in accordance with following approved plans:-

Site Location Plan ( Revised ) J4285-08-01-P3  
Design and Access Statement J4285(08) 001  
Schedule of Planning drawings and documents as set out Rev C06 March 2020 (received 9<sup>th</sup> March)

### Pre commencement conditions:

3. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
  - a). A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors;
    - potentially unacceptable risks arising from contamination at the site; and
    - asbestos survey.
  - b). A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - c). The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d). A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

[To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework This is a pre commencement condition to ensure that any potential contamination is considered and mitigated against if necessary prior to ground disturbance taken place].

4. No development shall take place, including any works of demolition or site clearance, 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:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- measures to control the emission of dust and dirt during construction which shall take into account the recommendations as set out in the Air Quality Assessment (WYG Nov 2019)
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- The routing of deliveries and construction vehicles to site and any temporary access points.
- Details of methods of protection of the neighbouring railway line
- details of any vibro – compaction machinery and associated method statement
- Method statement to deal with any excavations, piling, building, cranes proposed within 10m of the railway line.

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

[In order 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 and to comply with Policy 1 (Development Requirements) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and

to ensure regard is had to the existing on-site wildlife].

5. No development shall take place until the existing trees and/or hedges which are to be retained as indicated on Soft Landscaping 200-HOSTA-XX-GF-DR-L-004-S4-P03.00 have been protected in accordance with tree protection details to BS5837;2012 details to first be submitted and approved by the Borough Council. The approved scheme of protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority

[To ensure existing trees and hedgerows are adequately protected during the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired].

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP will build upon the recommendations of the Protected Species Survey and reptile survey reports (EMEC ecology) and provide a working method statement and information for contractors which should include information to protect badgers, small mammals including hedgehogs, reptiles and amphibians during both vegetation clearance and construction activities The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].

7. No development shall take place until details of the following have been submitted to and approved by the Borough Council:
  - details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land
  - details of materials to the external elevations of the building
  - bin storage facilities;
  - details of the proposed substation and its screening
  - Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
  - Details of connectivity to the public bridleway no.26 at the unmanned railway crossing to include detail and design.
  - Details of all external plant and associated screening to accord with the information submitted in the Environoise noise Assessment V2

The development shall thereafter be undertaken in accordance with those approved details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy. This condition is pre commencement to ensure details are acceptable prior to work commencing on site].

8. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. 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.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- 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.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- 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

[A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site. This is a pre commencement condition to ensure that such details are appropriately designed into the scheme].

9. An updated badger survey should be carried out immediately prior to commencement of works on site and the report submitted to the Borough Council. Should evidence of badgers be found on site then the report should include recommendations that will need to be submitted and approved by the Borough Council before development including site clearance is commenced.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre commencement condition to ensure that no undue impact on potential protected species results in site.]

10. 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. The details of such a scheme of investigation shall be submitted to and approved in writing by the Borough Council also prior to the commencement of the development on the site.

[To ensure that any archaeological items are recorded and to comply with Policy 29 (development affecting Archaeological Sites of the Local Plan Part 2: Land and Planning Policies and the National Planning Policy Framework This is a pre commencement condition to ensure that any potential features of archaeological interest are adequately considered prior to potential works being undertaken which could impact negatively impact on their importance].

11. Prior to work commencing on the car parking area there shall be submitted to and approved by the Borough Council details of a scheme for the provision of electric vehicle charging points to serve the site which shall largely accord with the locational details as indicated on Landscape General Arrangement Plan 200=HOSTA-XX-GF-DR-L-002 REV E. The scheme shall thereafter be undertaken in accordance with the approved details and those facilities made available prior to the occupation of the building that they serve.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Local Plan Part 1 Rushcliffe Core Strategy. This is a pre commencement condition to ensure that the car parking area is designed and constructed to allow for the provision of such infrastructure].

#### Prior to use commencing

12. No removal of hedgerows, trees or shrubs 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 ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

13. Prior to any part of the approved development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy (required by condition 3) and the effectiveness

of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

[To ensure that the site does not pose any risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework].

14. The development shall not be brought into use until the site access arrangement and widened footway on Chapel Lane as shown indicatively on Proposed Site Access Arrangement (Drawing No. CLBN-BSP-ZZ-XX-DR-D-0001 Rev P02) has been provided.

[To ensure an appropriate form of access is provided in the interests of highway safety and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

15. No part of the development shall be brought into use until there has been submitted to and approved by the Borough Council a scheme for a biodiversity enhancement plan for the provision of biodiversity net gain in general accordance with the recommendations as set out in the submitted biodiversity net gain assessment (Baker Consultants 2020). This will allow for potential biodiversity enhancement on and off site and will include the timetable and method of delivery. The plans shall thereafter be implemented in accordance with the approved scheme.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy].

16. No part of the development shall be brought into use until a detailed hard and soft landscaping scheme, to include those details specified below, have been submitted to and agreed in writing by the Borough Council. This scheme shall largely accord with the hard and soft landscaping schemes shown on drawing numbers Hosta 200-HOSTA-XX-GF-DR-L-004-S4-P03.00 and 200-HOSTA-XX-GF-DR-L-0003 REV B and 200=HOSTA-XX-GF-DR-L-002 REV E

- a) the precise materials proposed for all ground surfaces, including hard areas;
- b) full details of tree planting and tree pit specifications to trees within the car park which shall accord with the details as submitted on specification drawing Tree Pit System GBU 2108( Rev A);
- c) planting schedules, noting the species, sizes, numbers and densities of plants. Measure to provide habitat enhancements should be adopted including retention trees and the use of bat and bird boxes/tubes;
- d) finished levels or contours;
- e) details of all boundary treatments (including the acoustic fencing) including height, design, location, materials and finish;
- g) details of hard landscaping proposals including seating and planters and barriers to prevent driving/roll onto railway line or damage to

- lineside fencing; and
- g) details of how the landscape proposals comply and compliment the ecological requirements under conditions 15.

The approved hard landscaping scheme shall be implemented prior to first occupation of any of the buildings on site. The soft landscape scheme shall be carried out in accordance with the approved details in the first planting season following the substantial completion of the relevant building 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.

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1 Core Strategy].

16. The development shall not be brought into use until the parking/turning/servicing areas are provided and surfaced in materials which have been submitted to and approved by the Borough Council which shall generally accord with those approved under Hard Landscaping Plan 200-HOSTA-XX-GF-DR-L-0003-S4--03.00 with the parking bays clearly delineated in accordance with the approved plans. The parking/turning/servicing areas shall be maintained for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

[To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, in the interests of highway safety and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

17. Prior to the occupation of either of the buildings the cycle parking proposed to serve that particular building shall be provided in accordance with the details shown on Hard Landscaping Plan 200-HOSTA-XX-GF-DR-L-0003-S4--03.00.

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

18. The approved Car Park Management Plan shall be implemented on occupation of the site, and adhered to for the lifetime of the development.

[To ensure the car parking provision is managed appropriately and is adequate for the needs of the development in the interests of highway safety to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

19. Prior to first occupation of either of the buildings the owner or the occupier of that building shall appoint and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan to be approved prior to development taking

place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

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

20. The travel plan coordinator for that building shall, within 6 months of occupation, produce or procure a Detailed Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

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

21. The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar to be approved by the Local Planning Authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates to be approved in writing by the Local Planning Authority.

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

22. Prior to the use of either of the buildings being commenced, details of any external lighting relating to that building or the open areas of the site (together with a lux plot of estimated illumination) shall be submitted to and approved by the Borough Council as Local Planning Authority. This lighting should be designed, located and installed so as not to cause nuisance to neighbouring residents and users of the railway line. The lighting shall thereafter be implemented in accordance with these details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy]

23. Prior to the occupation of the leisure and community building, all sound attenuation measures detailed in the noise assessment supplied (Environoise Consulting Ltd noise assessment ref 21331R01aSWmdw dated 27/2/20), with the exception of the acoustic fencing to the Chapel Lane frontage, shall be fully implemented and shall thereafter be permanently retained

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy]

24. Prior to the commencement of the use of the community hall element of the scheme, a noise management plan shall be submitted to and approved by the Borough Council. This plan shall include details relating to a sound limiting device to ensure DJ controls are in place to limit noise impact,

together with details of signs to be displayed on the premises (including number, content and location) to remind patrons/visitors to leave the premises quietly to minimise disturbance when leaving the premises, particularly late at night. The agreed mitigation shall be in place prior to uses commencing and shall thereafter be implemented in accordance with the approved details.

[To protect the amenity of the occupiers of the residential properties adjacent to the site and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

25. When live or amplified music is being played in the community building all external doors and windows shall remain closed and shall only be opened in an emergency or for access and egress.

[To protect the amenity of the occupiers of the residential properties adjacent to the site and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

26. Before any of the proposed kitchens are brought into use, full details of the proposed extract ventilation system for the cooking area shall be submitted to and approved by the Borough Council. The approved system shall be installed before any cooking takes place in these areas and shall thereafter be maintained and operated in accordance with the approved details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

27. The proposed pedestrian/cycle link from Chapel Lane to the public right of way to the east of the site adjacent to the unmanned level crossing shall be surfaced and lit, in accordance with the details to be submitted pursuant to condition 7, prior to the leisure centre first being brought into use and shall thereafter remain available for such purposes.

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

28. The leisure centre and community building hereby approved shall only be open for use by members of the public between the hours of 6.30am to 11pm Monday to Thurs, 6.30 am to 12 midnight Friday, 7am to 12 midnight Saturday and 7am to 9pm on Sundays and Bank Holidays.

[In the interests of residential amenity and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

29. The proposed office building shall only be used for purposes falling within Class B1a of the Town and Country Planning (Use Classes) Order 1987 (as amended).

[For the avoidance of any doubt and to ensure accordance with Policy 15 of Local Plan Part 2 Land and Planning Policies].

## Notes to Applicant

Section 278 Agreement (Highways Act 1980).

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the County Highway Authority for details.

Your attention is drawn to the comments from Network Rail in particular the need to consult with the Asset Protection Project Manager and contact should be made using [assetprotection@networkrail.co.uk](mailto:assetprotection@networkrail.co.uk)

The Environment Agency make the following comments in relation to the information required to satisfy condition 3 and 13. The Combined Phase 1 and 2 report submitted to support this planning application (Geodyne, dated November 2019) has been reviewed. The report recommends that a DQRA be undertaken to assess the risks posed to controlled waters by the hydrocarbon contamination present in the ground and groundwater at the site.

Before consideration is given to undertaking a DQRA, the conceptual site model needs to be further refined. This should include an assessment of the source(s) of the hydrocarbon contamination in the central southern area of the site, an assessment of the hydrogeological regime at the site, and also an investigation into other potential pathways such as underground drains and pipework (if present). An assessment of all potential controlled waters receptors should then be made based on the refined conceptual site model.

A DQRA should only be undertaken on the basis of a robust conceptual site model. If a DQRA is the chosen way forward it should be ensured that it is based on a robust conceptual site model and site specific data. Should you require further advice on this then please contact the Environment Agency.

You are advised to contact Plant Protection at Cadent prior to construction regarding any potential impact on apparatus in the vicinity of the site.

Guidance on systems considered suitable can be found within Guidance on the Control of Odour and Noise from Commercial Kitchens EMAQ September 2018.

You are advised to ensure that the fabric of the building takes into account the assumptions made in the Noise Impact Assessment (V2).

In relation to Condition 10 your attention is drawn to para 6.3.1 of the submitted Archaeological Desk Assessment.