The Planning Inspectorate

Appeal Decision

Inquiry Held on 6 and 7 June 2023
Site visits made on 5, 6 and 8 June 2023

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2023

Appeal Ref: APP/A3010/W/23/3315919
Land forming part of North End of Gateford Road, Worksop S81 8AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tungsten Worksop Ltd, Hallam Land Management and Mr Paul Blagg against the decision of Bassetlaw District Council.
- The application Ref 21/01835/FUL, dated 14 December 2021, was refused by notice dated 11 August 2022.
- The development proposed is the construction of two buildings for employment purposes (B8), along with a gatehouse, associated infrastructure and soft landscaping.

Decision

1. The appeal is allowed, and planning permission is granted for the construction of two buildings for employment purposes (B8), along with a gatehouse, associated infrastructure and soft landscaping at land forming part of North End of Gateford Road, Worksop S81 8AE in accordance with the terms of the application, Ref 21/01835/FUL, dated 14 December 2021, subject to the conditions set out in the attached schedule.

Application for costs

2. At the Inquiry, an application for costs was made by Tungsten Worksop Ltd, Hallam Land Management and Mr Paul Blagg against Bassetlaw District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was refused by the Council for three reasons. At the Case Management Conference (the CMC) the Council confirmed that the second reason for refusal relating to a failure to meet economic objectives was withdrawn.

4. A draft planning obligation in the form of a Unilateral Undertaking (the UU) was submitted before the Inquiry but due to the need for signatures I agreed a period of time for the completed version to be submitted following the close of the Inquiry. A completed agreement dated 16 June 2023 was duly submitted.

5. The submitted UU secures a financial contribution towards highway improvements and an Employment Skills Plan. In general, these matters were not controversial at the Inquiry and the need for the obligations was not in dispute. I have been provided with a compliance statement and find the obligations would accord with the provisions of Regulation 122 of the CIL

Regulations 2010 and the tests for planning obligations set out in the National Planning Policy Framework (the Framework). I have therefore taken them into account.

6. The Council is working towards a new local plan (the ELP) but in accordance with the requirements of paragraph 48 of the Framework I agree with both parties that the ELP carries some limited weight in this appeal. The appellant details in the banner heading are slightly different to those on the application form but the parties confirmed at the Inquiry that the former was correct.

7. I visited the site and the surrounding area on a number of separate occasions observing traffic movements and flows on the local highway network and in accordance with suggested driving routes and other locations provided to me by the main parties, including all of those referred to in the first reason for refusal. The first was prior to the Inquiry opening, on Monday 5 June between 1630 and 1800 hours. I travelled around the network between 0815 and 0915 hours on Tuesday 6 June. At the end of that first day, I visited the appeal site, and travelled around the local highway network between 1630 and 1830 hours. Following the close of the Inquiry I undertook a further site visit, travelling around the network between 0730 and 0930 hours.

8. Following the close of the Inquiry it became apparent that Natural England (NE), as the Government's statutory adviser on nature conservation had not been consulted on the application. On the evidence before me this was a necessary requirement given the location of three Sites of Special Scientific Interest (SSSIs) and was a matter that could have been capable of having a reasonable bearing on the decision. Without prejudice I therefore requested that NE be consulted and gave an opportunity to the parties to comment on their response. No party would be prejudiced by my consideration of NE's comments, and I have taken the relevant response and those of the parties into account in my determination of the appeal.

Preliminary Matters

Planning policy context

9. The Bassetlaw Core Strategy and Development Management Policies 2011 (CS) and the Shireoaks Neighbourhood Plan 2016 (NP) form the development plan. Policies DM4 and DM13 are the only policies cited in the Council's two remaining reasons for refusal. The CS was prepared using a settlement hierarchy which included development boundaries to control development and it does not contain any allocations for new development. Similarly, the NP does not contain any allocations but does identify the appeal site as a 'development site'.

10. Policy CS1 of the CS states that until the adoption of the Site Allocations Development Plan Document (DPD), development in the settlements identified in the hierarchy will be restricted to the area inside defined settlement boundaries. The Council has not identified any breach of Policies CS1 and CS2 of the CS in the reasons for refusal, but they are strategic policies governing the principle of development. There is no dispute that the proposal would be in conflict with these policies.

11. Policy CS2 identifies Worksop as the principal settlement in Bassetlaw and states that at least 45% (48 ha) of the district's employment land needs will be delivered at Worksop through existing permissions and allocations in the DPD, for the plan period 2010-2028. That policy is silent with regards to future employment sites as there is no DPD for allocations in place. Consequently, whilst these policies should be regarded as being most important for these reasons they should also be regarded as being out of date. Accordingly, I agree with the parties that the so-called tilted balance within Paragraph 11 d ii of the Framework is engaged. I return to this along with matters of the weight to those conflicts and the adverse impacts in the planning balance below.

Background, the appeal site and its surroundings

12. The appeal site is an open field and covers an area of approximately 12 hectares positioned on the northern side of Shireoaks, approximately 4km to the north-west of Worksop town centre. Existing residential properties and St Luke's Primary School lie to the west of the site. A residential development that is currently under construction lies to the south of the site with the A57 to the east. To the north is an established smaller scale industrial site with open countryside beyond.

13. The appeal site and neighbouring land benefits from planning permission as part of a larger site, for an employment-led development of office, general industrial and storage and distribution uses (Use Class B1, B2 & B8), together with a pub/ restaurant, drive-thru restaurant, and petrol filling station with an ancillary convenience store[1]. The latter elements have since been granted reserved matters approval and planning permission.

14. Access was proposed via the A57 roundabout and a connection joining the residential scheme at Aveling Way. In turn this followed an outline permission for residential and employment uses pursuant to LPA reference 14/00223/OUT. That permission was for 175 dwellings and 15.4 hectares of employment land. Land to the west has reserved matters approval for 167 dwellings that is currently under construction.

Main Issues

15. The main issues in this appeal are:

- The effect on local highways, including whether the residual cumulative impacts on the road network would be severe.

- The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and general disturbance.

- If conflict with the development plan, when taken as a whole is identified, whether such conflict is outweighed by other material considerations.

[1] LPA refs: 18/00413/OUT, 20/01696/RES and 21/00147/FUL.

Reasons

Highways

16. Vehicular access to the site is to be provided via an access road which joins part of the A57/B6041 Gateford Road/Woodsetts roundabout. From the main point of access, the road runs to the south providing access for Heavy Goods Vehicles (HGVs) and other vehicles. Two access points are proposed by the main development, one is the service yard/HGVs access to Unit 1 and a second access is provided further along the spine road which provides access to the car park and service yard for Unit 2. The main spine road would then connect to the existing residential development.

17. The submitted Transport Assessment (TA) compares the extant outline permission scheme with the appeal proposal and although that TA is from 2018 it predicted growth in traffic up to 2024 so Nottinghamshire County Council as Highway Authority (NCC) considered that the assessment's findings still stood. However, the masterplan for that outline scheme is not fixed, so further information was also provided regarding trip generation from the site considering the further development that could be approved on the remainder of the site[2]. If proposals were to come forward for something else on the remaining site area that deviates from that permitted on the outline permission, that application would require further assessment.

18. The total proposed B8 employment use floorspace would exceed the equivalent of the consented development floorspace for this parcel of land. However, when taken as a whole the level of traffic generated would be less than the extant scheme including less HGVs. The cumulative impacts of existing and committed developments and that scheme have previously been considered acceptable in these terms because planning permission was granted. This is not a matter of dispute.

19. The site is accessible by all modes of transport with opportunities for bus travel via existing bus stops on Gateford Road, and travel by train as part of a multi modal journey involving the bus services. A Travel Plan is also proposed which seeks to encourage users of the development to travel in more environmentally sustainable way and could be secured by condition.

20. Given their considerable peak hour traffic flows, the number of trips assigned to the A57 and the fact that not all those assigned will join the wider Strategic Highway Network (SHN) of the M1 and A1 Motorways, there would be no severe or unacceptable impacts on the operation of the SHN in terms of traffic generation and capacity.

21. Turning to more local effects, the Council has provided little technical evidence to support its case regarding traffic impacts other than a limited traffic count undertaken by the Council's witness and dates of accidents between 2018 and 2021. Whilst not supported by any substantive technical study, the Council's case is supported by a significant number of representations from residents on current traffic and highway safety circumstances and concerns. The evidence of the Council's witness and resident representations are essentially based on real-life observations and the experiences of those living in the area.

[2] CD 2.19.

22. In this case I have no doubt that there would be a significant number of employees who would travel to the site by private car along with other operational vehicles accessing the site. However, it is also not disputed that the appeal scheme would generate less traffic than the extant planning permission both in terms of the number of vehicles and quantum of HGVs. That permission was judged to not have a severe effect and therefore effects on the relevant off-site junctions would also be reduced by the proposal before me.

23. The transport documents submitted in support of the last outline application and subsequent junction analysis identified that the proposal would result in a material worsening of traffic conditions at the Cannon Crossroads. The UU before me would however secure contributions to be used for improvements at the Cannon Crossroads and proposed conditions would secure improvements to the Ashes Park Avenue/Gateford Road and Raymoth Lane/Gateford Road junctions. The latter being mitigation schemes from the extant permission the appellant has agreed to still implement. Even in acknowledging that the Cannon Crossroads would not operate at under capacity, both NCC and the Highways Agency considered that the proposal demonstrated that the local highway network would not be severely impacted upon.

24. The Council's main challenge to the appellant's evidence was on the basis that the TA does not include 310 dwellings in its baseline assessment. The Appellant clarified[3] that this was not considered necessary by NCC and in any event, would not result in any additional cumulative impacts on the highway network that should be regarded as materially harmful, let alone severe[4]. Consequently, I had to seek further clarification from the parties who submitted an agreed note on those excluded permissions[5] setting out the traffic generation data extracted from the various TAs submitted as part of those applications, amongst other details.

25. The note refers to four additional developments. The developments closest to the appeal site are complete, or close to completion[6]. Eighty dwellings in Rhodesia were completed in October 2021 and of the 128 granted at land to the rear of Queen Elizabeth Crescent, on 4 July 2023 51 had been completed. My own observations having visited the sites in question were of significant residential occupation.

26. On my reading, the note sets out that the developments would generate approximately 160-170 additional trips during the hourly peak morning and evening periods. Periods that I observed on my site visits and on the evidence before me, approximately 100 trips would be towards the A57. The A57 is however a higher standard of road than Gateford Road (East) and Woodsetts Road. Even in taking account of the additional trips generated by these developments, and in acknowledging not all were occupied at the time of my visit, the combination of their locations and the likely frequency and spread of those movements across the peak periods would not result in a severe level of increased queuing or the blocking of accesses and other junctions.

[3] Mrs Overton in XX.
[4] Mr Holloway in XX.
[5] ID 10.
[6] 27 dwellings completed in September 2022 and 71 of 75 dwellings on 4 July 2023.

27. The Council's traffic count and evidence does not demonstrate severe impacts and during my own visits I observed traffic flowing freely with minimal waiting times at all of the junctions and network locations referred to in the reasons for refusal. I acknowledge these are snapshots in time but neither these observations or the evidence presented provides cogent and compelling reasons to disagree with the conclusions of the relevant statutory consultees, to which I give considerable weight.

28. In this proposal the appellant's intention is that the site would be accessible for cars, pedestrians, and cyclists only via Blackstone Drive[7] from Shireoaks Common. There is some localised concern with the potential for an increase in traffic within the village of Shireoaks and through the residential development at Blackstone Drive/Aveling Way.

29. I have considered a third-party representation[8] which includes an extract of a plan showing a bus gate '*for buses only'* at the end of Aveling Way and the view that no such vehicular link was previously proposed. However, the TA for the extant scheme states a vehicular link is provided between the residential and commercial development[9] and this is repeated in earlier versions. The committee report for the extant permission states that '*it is anticipated that a connection to the residential development to the west would also be provided'*[10].

30. The view that the route was to be solely for buses appears to originate from the earlier outline scheme[11] (14/0223/OUT) where the committee report is clear that no vehicular link was proposed, acknowledged that a link could be provided for public transport but that this was not preferred as services should leave and exit at the same point. That report is also clear that whilst it is sometimes desirable to prevent employment traffic from travelling through residential areas on amenity grounds, the Highway Authority was of the view this was unlikely to be a significant issue.

31. The report then goes onto give reasons, including the likely main entry point for traffic being the Woodsetts roundabout and that the internal access road layout could discourage such a route. It states a vehicular connection would allow access for a future bus service but that the creation of a bus gate only would be '*almost impossible to enforce'* due to the installation and monitoring costs involved. This element was therefore rejected in favour of an environmental weight limit to '*deter the occasional stray HGV driver*'. On my reading it was therefore the intention that a vehicular link, not restricted to public transport only was to be provided and would be acceptable. Both of those applications were granted planning permission by the Council.

32. In any event, having visited the area the majority of the route via the A57 is a dual carriageway and the route through Shireoaks is a single carriageway, with vehicles parked on both sides, a level crossing, additional junctions, and manoeuvring vehicles. The A57 would be a quicker and more convenient route for the majority of employees and visitors to the site. I agree with the highway authority that it is likely the only employees that would use the residential route are those travelling to/from Shireoaks or to/from the villages to the west,

[7] 3.2.1 of Pell Frischmann Transport Assessment – CD 2.16.
[8] Representation of M Wilson – 'bus gate location'.
[9] Paragraph 5.6 on page 18 of CD 8.3.
[10] Under 'Highways Matters'.
[11] Page 62 of CD 8.5.

and any traffic generated by the development within Shireoaks would not be great and would have a local origin or destination. The proposal would therefore be highly unlikely to encourage the diversion of longer distance journeys through the village and residential areas.

33. Access through the residential development would not include larger vehicles due to an environmental weight restriction, which is proposed to be secured by condition. A bus friendly plateau to the western end of the spine road is also proposed, again to be secured by condition. Vehicular traffic from the south could use Aveling Way but Steetley Lane has a 7.5 tonne environmental weight restriction and large lorries are not permitted to access Shireoaks from junction 30 of the M1 and the A619 using that route. The A57 route would also avoid the need to negotiate junctions within the residential development. With vehicles parked on both sides of the road and the associated manoeuvring of vehicles on and off driveways, speeds would be low and Blackstone Drive/Aveling Way would not be a more attractive or convenient route.

34. Further, the creation of networks that provide permeability and connectivity between destinations, providing a choice of routes, is also a fundamental requirement of ensuring well designed, connected, legible and permeable places. Connected or permeable networks also lead to a more even spread of motor traffic throughout an area and the avoidance of cul-de-sacs reduces the concentration of traffic, negates the need for turning heads which are wasteful in land terms and lead to additional vehicle travel and emissions, particularly by service vehicles. The connection between the appeal site and the existing residential area would serve to improve the movement framework of the area, as a whole. I do not consider that the use of this connection by vehicles should be regarded as being unacceptable in highway terms and I return to matters of the effect on living conditions below.

35. Turning to highway safety, the relevant highway authorities confirmed that there are no existing road safety issues within the immediate vicinity of the site that would be intensified by the proposal. Personal Injury Collision data has been reviewed between 2018 and 2020 and based on the number and type of collisions occurring at each junction over a three-year period, it is concluded that these are within the typical range given the size and level of use of each individual junction. The further accident dates provided by the Council's witness do not alter this view. Moreover, the new road layout would be designed to current standards and no specific mitigation in highway safety terms would be required to any off-site junctions.

36. There would also be a reduction overall in vehicular flows compared to the extent scheme and it reasonably follows there would be an associated reduction in the likelihood of conflicts. Vehicle speeds along Aveling Way would be low, and having visited the play areas and the surroundings there is adequate visibility and surveillance of the highway for users of the facilities and suitable access via separate footways. I do not consider that there would be unacceptable conflicts between residents of the estate using those facilities and vehicles.

37. Drawing my conclusions together, both parties reiterated at the Inquiry that I must form my own independent view albeit in the context of the objective analysis before me. Having done so, whilst there may well be some additional queueing at certain times and locations, at worst this would result in only a

minor to moderate increase in waiting time and minor inconvenience to highway users. Taken in its ordinary meaning 'severe' means 'very great' or 'intense' but the traffic impacts of the proposal here would not be sufficiently great as to amount to a significant impact that could not be cost effectively mitigated to an acceptable degree, let alone a severe impact, either on its own or cumulatively with other existing and committed developments and when judged objectively. This was ultimately accepted by the Council's planning and highways witness in cross examination.

38. For these reasons, the proposal would not result in severe residual cumulative impacts or harm to highway safety that would conflict with the requirements of Policies DM4 and DM13 of the CS or Policy 8 of the NP, insofar as they require development proposals to minimise the need to travel by private car, provide linkages to facilities, to be consistent with the Nottinghamshire Local Transport Plan, provide appropriate parking provision and be of a high quality design that accords with a number of general design principles.

39. In Framework terms, there would be no conflict with the Framework at paragraphs 110 d) and 111, insofar as they require cost effective mitigation to an acceptable degree of significant impacts from transport on the highway network, in terms of capacity and congestion and highway safety. Further, that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Living conditions

40. The proposal is accompanied by a detailed Noise Assessment (NA) which sets out that acceptable living conditions for neighbouring occupiers could be achieved with regard to noise and general disturbance, subject to mitigation measures that could be secured by condition. Dwellings to the south/southeast of the site at Oak Tree Park are some distance from the appeal site and would be separated from it by a petrol filling station and drive thru facility. Properties at Gateford Toll Bar are further separated from the appeal site by the A57.

41. Moreover, the NA concludes that as a worst-case scenario and with mitigation in place, the appeal scheme would have a 'Low Impact' at all relevant receptors. Mitigation includes acoustic fencing and bunding in necessary locations along with plant noise limits, and the findings of the NA were accepted by the Council's Environmental Health Team.

42. Whilst the Council's witness referred me to a restriction on the hours of operation for the extant scheme[12], that permission contains no such restriction. No evidence of existing noise complaints to the Council in this location was put before me at the Inquiry and I have no details of ongoing complaints referred to in a third-party representation. I therefore cannot be certain they are directly comparable to this proposal but in any event, I must determine the proposal on its own merits and on the evidence as put to me in the appeal.

43. The NA was undertaken during in 2021 and over a weekend period. This was to ensure lowest levels of noise were measured and at a time when the background noise for the area would have been lower than when compared to 'normal' pre/post Covid 19 Pandemic background noise levels, so it is

[12] Paragraph 5.5 of Cllr Pressley's PoE.

reasonable to assume compliance with more stringent background noise levels was required[13]. Whilst the levels could have been artificially low, outside this period the levels would be likely to be higher which would provide additional masking of any noise generated by the proposal, reducing the impact.

44. As set out above, on my reading of the evidence it is clear that a vehicular connection to the residential development was anticipated and would be provided. This is consistent with my own observations at my site visits where provision for a future access point had been provided at the end of Aveling Way.

45. Whilst it is difficult to be certain of how many smaller vehicles, cycles and pedestrians might use such a route, as set out above there are much more attractive and quicker routes in proximity and sound reasons why Blackstone Drive/Aveling Way would not be the main point of access for the site or the A57. Even if some vehicles used that route, speeds would be low, and I also observed a busy residential development with comings and goings from all types of vehicles accessing and servicing the properties. Any additional movements through this area are unlikely to be so significant or frequent that they would result in unacceptable levels of noise or general disturbance to existing and future residential occupiers either during the day or night.

46. Turning to other potential noise sources, an earlier consultation response[14] from the Council's Environmental Health Team refers to a suggested restriction that, in accordance with the relevant British Standard[15] any proposed mechanical plant be assessed so as to achieve noise limit criteria of 29 LAeq during the daytime and 22 LAeq during the night[16]. It is not clear that details of that plant should be agreed by the Council, only that they 'be assessed' because the NA sets the appropriate levels to be achieved and such levels could be reasonably secured by condition. On the final day of the Inquiry the Council agreed that with such a condition the reason for refusal would fall away.

47. Those responses further advise that reversing beepers are often a source of noise complaints due to their cyclical tonal nature and that it would be 'prudent' to look at incorporating a condition regarding the use of white noise/quiet reversing beepers for vehicles. However, the uncontested NA shows that reversing beepers would achieve 17db LAeq at the closest dwelling façade, 5db below the level of plant noise during the night.

48. Whilst I accept, they could be a more alien sound the service yards where such vehicles would operate would be located behind large warehouse buildings which in turn would be sited behind specifically engineered acoustic fencing, bunds, and landscaping. The service yard for Unit 1 is also a significant distance from dwellings, facing onto the A57. Noise from alarms would be masked by general ambient noise and with mitigation in place any noise from such beepers is unlikely to be experienced to any harmful degree by neighbouring or nearby residential occupiers.

[13] Environmental Health Team response dated 17 June 2022.
[14] CD9.20.
[15] BS 4142:2014.
[16] CD9.20.

49. The Council's evidence refers to less employment in the extant scheme and that the approved traffic related noise would not be as intensive, but this would be a distribution use as opposed to a mixed industrial and distribution use. The TA is also clear, and it is not in dispute that the extant scheme would result in a greater number of vehicular trips overall and more HGV movements. No substantive evidence was provided to demonstrate properties close to the level crossing in Shireoaks or the primary school would be unacceptably impacted upon from queueing vehicles.

50. For these reasons, and subject to conditions the proposal would not cause material harm to the living conditions of neighbouring or nearby residential occupiers in terms of noise and disturbance that should be regarded as bringing the proposal into conflict with Policy DM4 of the CS or the NP insofar as they require new development to ensure it does not have a detrimental effect on the residential amenity of nearby residents through being a high quality of design. I also find there would be no conflict with the Framework insofar as it requires decisions to ensure a high standard of amenity for existing and future users and its overall objective of achieving well designed places.

Other Considerations

Character and appearance

51. The appeal site lies outside but abutting the periphery of Shireoaks, as extended by recent housing developments. It sits partly within an agrarian landscape within no landscape designations and is a generally flat and open area of agricultural land. No objections were raised by the Council in this regard but were raised by local residents and so to assist the Inquiry a Landscape Visual Assessment (the LVA) was submitted by the appellant.

52. The change from an open field to a warehouse facility, even allowing for landscaping and planting, would have a permanent effect on character and a consequent change in the appreciation of the immediate landscape. This would include through the introduction of buildings, associated structures, floodlighting and activity from vehicles. This would also be the case with the B1/B2/B8 development.

53. In this case, the magnitude of change to landscape character would be significant through an alteration to the landscape. The landscaped buffers would, however, reinforce key characteristics of the Landscape Character Area and enhance biodiversity. When combined with the very low landscape sensitivity of the site I agree with the LVA that this would result in a 'Moderate' adverse level of effect during the construction process.

54. I also agree with its findings that the existing hedges are degraded, and the proposal would make allowance for new planting to strengthen and bolster the hedge lines. A sufficient landscaped buffer would be provided to separate the employment and residential areas along with proportionate space at the boundaries. Planted with locally important species this would, over time establish a green buffer to the edge of the site.

55. The acoustic fence would be planted with native planting and climbing species enabling a suitable degree of greening over a period of 2-3 years. In terms of medium to longer term residual effects planting would fully mature to soften and visually break up the mass and scale of the built form and the 'Moderate'

adverse effects would reduce further over time so that the residual effects would be 'Minor' adverse.

56. Visually, the scheme will be visible from those residential areas, pedestrian footpaths, and Public Rights of Way (PRoW) which pass through the setting of Shireoaks. The experience of adverse visual effects would be limited to individual houses which back, or will back, onto the site, Lower Road, and a limited number of wider viewpoints. Over time the landscaping would filter views but nonetheless, for a significant period of time from existing PRoW on the edge of Gateford and Shireoaks[17] and some residential properties there would be some 'Major' to 'Moderate' adverse effects.

57. Trees would be approximately 6.5 metres on planting with an understorey half that size and containing native structural planting. The effects would be significantly reduced in the longer term by the planting, tree protection, sensitive lighting and biodiversity mitigation and enhancements and I find such mitigation to be well considered, sensitive and appropriate in this context.

58. At Years 15 onwards trees would be greater than 11 metres and including bunding heights and larger specimens the visual effects would reduce to be no more than 'Moderate' to 'Minor' adverse. The use of embedded mitigation measures such as cladding types, appropriate colour finishes and tones would further help reduce the effects and would be subject to approval by the Council.

59. Whilst I broadly agree with the findings of the LVA there would be a degree of permanent harm from such large scale-built form in this location and the scale and mass of such form would not entirely complement the appeal site or its immediate surroundings. Insofar as major development proposals being of a scale appropriate to the existing settlement there would be some conflict with parts of Policies DM4 and DM9 of the CS and Policies 1 and 2 of the NP and these should be regarded as adverse impacts that should be weighed in the balance against the proposal.

Biodiversity

60. The appeal site lies within an Impact Risk Zone (IRZs) of three SSSI's in the vicinity of the appeal site location, Lindrick Golf Course, Anston Stones Woods and Dyscarr Wood. In addition, Fox Covert a Local Wildlife Site is also nearby. The relevant consideration for the national sites relates to water and supply discharge. The consultation response I requested from NE does not provide specific advice on the details of the application but does provide standing advice. Clearly this lack of a detailed response does not imply there are no impacts on the natural environment, but the Council and appellant subsequently confirmed there previous view on ecological matters was unchanged and that there would be no harmful impacts, subject to conditions.

61. In the absence of any advice to refute the findings of consultees and the appellant's expert evidence I must form my view. Having done so, the proposal includes an engineered solution to control surface water flow emanating from the site and the discharge rate will be maintained at the greenfield run-off rate. The drain on site, flows east toward Lindrick Golf Course, but is a tributary of the River Ryton which flows south and east through Worksop and away from

[17] LPA refs: 243/15/3, 249/11/1, 17, 19.

the SSSI. Therefore, there is no hydrological link to any of the SSSI's and issues and impacts to the drain on site, would not cause harm.

62. Downstream protection measures would be secured by condition for a Construction and Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) which would also ensure no harm to Fox Covert. Consequently, there are unlikely to be any changes to the hydrological regime that could adversely affect the SSSI's. Suitable protection measures would be secured by condition and for these reasons there would be no harm to these sites of local and national importance.

63. The appellant has addressed comments from Nottinghamshire Wildlife Trust in terms of the initial protected species survey data and biodiversity net gain. The updated Ecological Assessment[18] contains the agreed recommendations for mitigation and compensation. Whilst some final additional surveys are required subject to the timing of the development, I am satisfied that these are pre-commencement final checks and the presence of protected species or otherwise, has already been established, or otherwise and appropriate mitigation proposed to be secured by conditions.

64. There are opportunities for significant native tree and shrub planting and structural landscaping measures, such as creation of wildflower meadow, gapping up of hedgerows and other measures such as bird boxes. Overall, the appeal scheme would generate some ecological benefits including improved wildlife corridors and water courses and a biodiversity net gain across habitat areas, linear units, and river way units.

65. In reaching this view I have considered the concerns raised by interested parties on these matters but from what I have seen and read Great Crested Newts were not found and there appear to be no suitable water bodies on or near the site to support them. Impacts to this species were therefore scoped out during the assessments and conditions are proposed to reassess this if the development does not take place within a certain period of time. Ultimately there is nothing substantive before me that indicates protected species or nationally and locally important sites would be harmed, subject to the mitigation and conditions imposed and that the specialist advice from statutory consultees and both of the parties should not be determinative.

Other Matters

Third party representations

66. Turning to the concerns of third parties, those concerns raised in relation to light pollution, traffic impacts, flooding and environmental risks, noise and employment opportunities are considered within this decision and would be addressed through the imposition of planning conditions and in the UU.

67. Comments were made at the Inquiry and in representations that residents were not aware of the history of planning permissions and that the proposal does not follow the outline masterplan. However, although the plan is illustrative no evidence has been put before me to suggest that it is not reasonable to take the illustrative layout as an indication of the likely form of development that would have come forward at the Reserved Matters stage. The

[18] CD 2.25.

extant permission would also have generated more vehicle and HGV movements.

68. There is nothing substantive to indicate a danger to residents using the play facilities/open space or from any deterioration in air quality, again noting that there would be less traffic generated by this proposal than the extant permission. I do not consider the proposal would in any way be harmful to the education of children in the village and any concerns regarding consultation with local residents by the appellant is not determinative to the planning merits of the proposals before me.

69. Whilst views from a limited number of properties would permanently change, given the distances involved and landscaping proposed such changes would not be materially harmful to outlook or be overbearing to those occupiers. For the same reasons there would not be losses of privacy or unacceptable overshadowing. Effects on property values and other private interests are not matters for me to consider when assessing the planning merits of the appeal.

70. I acknowledge that my decision will come as a disappointment to those residents who have objected to the proposal but having determined the proposal on its own planning merits, as I am required to do, I have found that the harm I have identified is not prevailing and is outweighed by other material considerations. None of these other considerations or representations, on their own or in combination, alter my view to allow the appeal.

Conditions

71. Following a round table discussion at the Inquiry the parties agreed a list of conditions. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision, and simplicity. The appellant has confirmed acceptance of the pre-commencement conditions.

72. A condition is required to ensure compliance with the approved plans for the avoidance of doubt as this provides certainty (2). Material samples are required in the interests of the character and appearance of the area (3). Conditions relating to the submission of details of the acoustic fencing, the bunding on which it would be positioned, and the sustainability credentials of the development are all required in the interests of living conditions and to ensure energy efficient and sustainability credentials are achieved (4, 5 and 6).

73. For highway capacity reasons the development shall not be occupied until agreed improvements to the Ashes Park Avenue and Raymoth Lane junctions have been carried out (7 and 8). To ensure appropriate parking and servicing arrangements are made available a condition is required that these be in place prior to occupation (9). Details of the future management and maintenance of the spine road are also required to ensure infrastructure is appropriate and that the development is not occupied until the spine road has been completed to an appropriate surface level, is lit and open to traffic (10 and 11).

74. To ensure larger vehicles are kept to appropriate routes and to discourage vehicle speeding, conditions 12 and 13 are required to ensure an environmental weight restriction is in place and that prior to the spine road

being open, details of a bus friendly plateau are approved, implemented, and retained.

75. A condition is necessary for lighting details to be submitted and agreed in order to protect from uncontrolled light sources (14). In the interests of sustainable travel, the development shall be carried out in accordance with a Travel Plan (15). A CEMP is necessary to protect living conditions and the local environment (16). Conditions in the interest of biodiversity and to ensure protected species are not harmed are necessary, including additional surveys for Great Crested Newts if development does not take place within one year. Development is also required to be carried out in accordance with the revised Ecological Assessment and a LEMP is to be agreed (17, 18, 19, 20 and 21).

76. Replacement of trees is required to ensure landscaping mitigation and enhancement is appropriately provided; I have amended the proposed 5-year replacement period to 15 to ensure sufficient opportunity is afforded for the landscaping scheme, including the establishment of specimen trees to be successful (22). Conditions 23, 24 and 25 are required in the interests of protecting heritage assets. Waste management details are also required in the interests of sustainability (26).

77. To protect the natural environment from pollution and flooding conditions 27 and 28 are required for contamination and sustainable surface water drainage purposes. A condition requiring details of proposed land levels is necessary in the interests of residential and visual amenity (29). Three proposed conditions were in dispute, although by the close of the Inquiry the parties agreed to the need for a condition to limit plant noise levels in accordance with the findings of the NA. I agree it is required to ensure living conditions are not materially harmed and it is therefore imposed (30) as agreed.

78. Of the remaining two conditions because of my findings in relation to the lack of effects on living conditions a condition relating to restrictions for reversing noise beepers for vehicles retained on site has not been shown to be necessary. The parties disagree on a condition to limit access during site clearance and construction to the A57 to the east and to avoid trafficking through the residential state. However, the existing bell mouth access from the existing A57/Gateford Road roundabout is the obvious construction access point, albeit some works will be required to alter its levels and extend a haul road.

79. Direct access onto the A57 is unlikely given the existence of this bell mouth and Aveling Way would not be an attractive construction route due to its geometry and the need for costly repairs to that highway from use by such large construction vehicles, in addition to the regular cleaning and maintenance that would also be required, creating unattractive logistical challenges. That said, this does not mean that it would not take place, but the CEMP required by condition 16 includes means of access and vehicle routing for larger vehicles in excess of 3.5 tonnes. I have therefore amended this to include details of signage, so such traffic is deterred from using Blackstone Drive/Aveling Way and this is necessary in the interests of highway safety and local amenity.

80. Conditions 5, 10, 12, 16, 19, 20, 23, 28 and 29 are conditions precedent and I am satisfied that they are fundamental to the development to ensure that it does not occur until such matters are resolved, in the interests of character and

appearance, living conditions, appropriate provision of infrastructure, biodiversity/ecology, heritage assets and flooding.

Planning balance and conclusion

The adverse impacts

81. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

82. Subject to contributions and conditions, there would be no unacceptably adverse impacts in relation to highway impacts or safety and the living conditions of neighbouring occupiers. The proposal would not be in conflict with the development plan in such terms. However, the site is located outside the limits of development and as set out above there is an 'in principle' policy harm. There would also be some harm to the character and appearance of the site and its immediate surroundings. The conflict with Policies CS1, CS2 and parts of DM4 of the CS and the NP is such that the proposal should be regarded as being in conflict with the development plan, as a whole.

83. It is therefore necessary to consider whether there are any other material considerations which indicate that permission should be granted. As set out above the presumption in favour of sustainable development within paragraph 11 d) ii of the Framework is engaged. This states that permission should be granted in such cases unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

84. In terms of weight to those impacts, there is a rationale strategy for development boundaries to protect the countryside while focusing growth within designated settlements, whilst accepting that on their merits, applications for housing and other development have been approved outside of these boundaries, including on the appeal site for a similar form of development. This indicates that the development plan is failing to meet its strategic challenges and this conflict is therefore of limited weight because there is no clear strategy for the delivery of growth.

85. The Framework is clear that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. The harm in character and appearance terms is tempered by the environmental benefits from ecological enhancements, energy efficiency and renewable technology measures and an overall biodiversity net gain. The proposal is considered in its design, recognising its countryside location and neighbouring occupiers and to my mind the harm and resultant conflict carries a modest amount of weight against the proposal.

Other considerations and the benefits

86. Balanced against this, the principle of B1/B2/B8 employment and other uses on the wider site has already been established by the extant permission. I am satisfied that if permission were refused there is a real prospect of that scheme being implemented and despite concerns of third parties no substantive or determinative evidence has been put before me to indicate otherwise. It should therefore be treated as a material consideration.

87. The site has a lengthy planning history, and it is clearly a suitable and accessible location for new employment development identified in both the NP as a development site and in the ELP, for employment land. Although the extant permission's illustrative layout[19] indicates a different form and layout of development that scheme would have generated greater levels of activity and traffic including from more HGVs.

88. Although built form may not have been exactly at the same scale or height, overall, the character and appearance effects of such industrial development would be broadly comparable. The extant permission would ultimately have caused greater harm in terms of the specific concerns raised by the committee members, and which led to the appeal. The fallback position as a material consideration therefore weighs significantly in favour of the grant of permission for the proposal before me.

89. The evidence as a whole demonstrates a pressing need for warehousing/logistics space and highlights the importance of this type of employment for the region. The proposal would result in economic benefits of investment and construction jobs. Bassetlaw's relatively low growth in employment and business numbers, combined with an ageing population, means the creation of new jobs in the area is an important benefit.

90. Although construction jobs would be for a short one-year period the proposal would create a notable number of these jobs, and result in knock on effects for other sectors both pre and post completion. Construction would also result in somewhere in the region of £23.5 million of Gross Value Added (GVA). There would also be additional jobs from the operational phase of the employment space generating further GVA, net additional FTE jobs and associated wages. The proposed development is expected to provide approx. 700 jobs, and 40% of the proposed jobs are expected to be skilled.

91. Despite some third-party objections in this regard, the Employment and Skills Plan secured in the UU would ensure that local people and businesses benefit from the operational phase and end use. Operational phase jobs would be at both ends of the spectrum and across a range of occupations and there would be work placement opportunities and on-site jobs for people in the district along with opportunities for qualifications and industry certification. Given the local context and in accordance with paragraph 81 of the Framework, the support for economic growth, taking account of local business needs and the wider opportunities it would create, carries significant weight in favour.

92. Mitigation in the form of a financial contribution for highway improvements is intended primarily to respond to needs and impacts arising from the development and to make the development acceptable, so the contribution is neutral in the planning balance. The proposal would also include mitigation schemes from the extant permission. There would be some environmental benefits from ecological enhancements including a biodiversity net gain which weigh modestly in favour. I ascribe negligible additional benefit in respect of accessibility to local services or the site's agreed accessible location as I consider these to simply demonstrate an absence of harm.

[19] With reference to CD10.2.

93. It was put to me that these benefits were not inevitable and could also result from the extant scheme but nothing substantive was put before me to indicate if any alternative scheme would provide these particular benefits. The fact is they are the benefits of the scheme before me and fall to be assessed on their merits.

94. Paragraph 9 of the Framework sets out that the three economic, social, and environmental objectives of sustainable development are not criteria against which every decision should be judged. Nonetheless, economic, and social objectives would be fulfilled and although there would be some character and appearance harm the proposal would still fulfil important environmental objectives of improving biodiversity, making effective use of land, and making best use of the capacity of development land on a site already found suitable for much needed employment and other development.

Conclusion

95. Drawing everything together, there are no policies in the Framework that protect areas or assets of particular importance that are applicable here and provide a clear reason for refusing the development proposed. This is not a case where the presumption in favour of sustainable development is disapplied by virtue of paragraph 11 d) i.

96. Whilst I have found that there would be some adverse impacts, they would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, when taken as a whole. As such the proposal would be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.

97. In this case there are material considerations which outweigh the harm and conflict with the development plan that I have identified and indicate to me that a decision should be made other than in accordance with the development plan.

98. There are no other material considerations that indicate permission should be withheld. I therefore conclude that the appeal should be allowed, and planning permission granted subject to the conditions set out in the attached Schedule.

Richard Aston

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Philip Robson, of Counsel	instructed by Bassetlaw District Council
He called,	
Cllr Neil Sanders	Bassetlaw District Council
Cllr David Robert Pressley	Bassetlaw District Council
Susan Chan BA (Hons) MPlan CMI MRTPI MCIH	HMS Town Planning & Urban Design

Also present for the Council:

Beverley Alderton Sambrook	Bassetlaw District Council
Clare Cook	Bassetlaw District Council
Martyn Beckett	Bassetlaw District Council

FOR THE APPELLANT:

Robert Walton, of Kings Counsel	instructed by Tungsten Worksop Ltd, Hallam Land Management and Mr Paul Blagg
He called,	
Eleanor Overton BSc MA MRTPI	Pegasus Group
Chris Holloway BA MCIHT	Pell Frischmann
Adrian McCordick BSc MIOA	Hoare Lea

Also present for the appellant:

James Hicks	Pegasus Group

Interested persons

Mr. Goode	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

Document Number	Document name	Submitted by
Document 1	Mr Wilson's statement	Mr Wilson
Document 2	Appellant's opening submissions	Appellant
Document 3	Council's opening submissions	Council
Document 4	Mr Hursthouse's statement	Mr Hursthouse
Document 5	Draft Unilateral Undertaking	Appellant
Document 6	Costs application - Appellant	Appellant
Document 7	Costs application response - Council	Council
Document 8	Council's closing submissions	Council
Document 9	Appellant's closing submissions	Appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

Document 10	Highways Additional Note Rev 3	Appellant/Council
Document 11	Signed Unilateral Undertaking dated 16 June 2023	Appellant
Document 12	Final agreed schedule of planning conditions	Appellant/Council
Document 13	Email with housing completion details	Council
Document 14	Natural England response dated 18 July 2023	Council
Document 15	Final comments on NE response	Council
Document 16	Final comments on NE response	Appellant

SCHEDULE

CONDITIONS

1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The proposed development shall be built in accordance with the following approved plans:

    - Site location plan P411 Rev E received on 26/4/2022
    - Existing site plan P416 Rev C received on 26/4/2022
    - Proposed site plan P420 Rev L received on 26/4/2022
    - Unit 1 proposed elevations P220 Rev F received on 23/6/2022
    - Unit 1 proposed floor plan P120 Rev E received on 14/4/2022
    - Unit 1 proposed roof plan P121 Rev D received on 26/4/2022
    - Unit 2 proposed elevations P230 Rev E received on 19/7/2022
    - Unit 2 proposed floorplan P130 Rev A received on 26/4/2022
    - Unit 2 proposed roof plan P131 Rev A received on 26/4/2022
    - Boundary treatments plan P423 Rev H received on 17/6/2022
    - Landscape masterplan P21-0408-01-E received on 26/4/2022
    - HGV parking plan P418 Rev J received on 26/4/2022
    - Design risk assessment P417 Rev H received on 26/4/2022
    - Travel Plan Rev P6 received on 26/4/2022
    - Transport Assessment Rev P6 received on 26/4/2022
    - BIA visualisations RSE_5066_BIA proposals Rev V7 received on 26/4/2022
    - Biodiversity impact assessment metric received on 26/4/2022
    - Existing street furniture plan P421 Rev F received on 26/4/2022
    - Noise Report Revision 3 11 April 2022 received on 19/4/2022
    - Air quality assessment received on 17/6/2022
    - Email regarding sustainability credentials received 17/6/2022
    - Phase 2 Geotechnical and Geo Environmental Site Investigation received 15/12/21
    - Highway Technical Note Rev P5 received 18th July 2022
    - Gateford Road / Ashes Park Avenue Mitigation ELS-BWB-GEN-XX-DR-TR-101 Rev P1 received on 19/7/2022
    - Gateford Road/ Raymoth Lane Mitigation ELS_BWB-GEN-XX-DR-TR-102 Rev P1 received on 19/7/2022
    - Cut and Fill analysis Drg No 115 Rev T1

    unless the prior written approval has been obtained from the Local Planning Authority.

3. No development above slab level shall commence until details and samples of the external materials to be used have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved.

4. Notwithstanding the submitted information, prior to the construction of floor slab detailed plans of the proposed acoustic fencing shall be submitted and approved in writing by the Local Planning Authority, along with a timetable for its implementation and maintenance. The development hereby approved shall not be brought into use until the acoustic fencing has been installed in accordance with the approved details in the site plan ref P420 Rev L. The acoustic fencing shall be retained for the lifetime of the development.

5. Notwithstanding the submitted information prior to the commencement of development details of the proposed bunds including the following shall be submitted to and approved in writing by the Local Planning Authority. The bunds shall be constructed and maintained in accordance with the approved details and retained in the approved form thereafter:

    - Timetable for construction of the bunds and planting of their associated landscaping;

    - Proposed land levels that the bund will be constructed at including section plans to demonstrate the levels compared with land / dwellings outside of the application site.

6. No development above floor slab shall commence until a sustainable design strategy has been submitted for approval by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained in the approved form thereafter.

7. The development hereby approved shall not be occupied until such time as the Ashes Park Avenue junction has been improved as shown on plan reference ELS-BWB-GENXX-DR-TR-101 Rev P1.

8. The development hereby approved shall not be occupied until such time as the Raymoth Lane junction has been improved as shown on plan reference ELS_BWBGEN-XX-DR-TR-102 Rev P1.

9. The development hereby approved shall be not occupied until:

    - The access/parking/turning/servicing areas have been provided in hard bound materials (not loose gravel) and are marked out in accordance with the approved plan P420 Rev L. The access/parking/turning/servicing areas shall be drained to prevent the unregulated discharge of surface water on to the development spine road and shall not be used for any purpose other than access/parking/turning/loading and unloading of vehicles;

    - The secure cycle parking arrangements and EV charging points are in place and these facilities shall be retained and maintained to ensure they are in good working order for the lifetime of the development. An active electric vehicle charging point shall be provided adjacent to each allocated parking space and shall be designated for the sole use of electric vehicles. The charging point shall be supplied by an independent 32-amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to EN61296-2.

10. No part of the development shall commence until details of the proposed arrangements and plan for future management and maintenance of the proposed spine road including associated drainage contained within the spine road have been submitted to and approved by the Local Planning Authority. The spine road and associated drainage shall be maintained in accordance with the approved details unless and until a Section 38 Agreement Highways Act 1980 has been entered into or the spine road has been adopted as a public highway.

11. The development shall not be occupied until the development spine road including footway and cycleway has been completed up to binder course level, is street lit, and is open to traffic to and from Blackstone Drive and the A57.

12. The development shall not commence until a binding application has been made for the introduction of an environmental weight restriction (Traffic Regulation Order) and to limit the weight of vehicles in excess of 7.5 tonne, with exemptions for buses, bin lorries, and the emergency services (fire engines) from moving between the development and the residential area to the west. The environmental weight restriction shall subsequently be implemented as approved and retained thereafter.

13. Prior to the spine road being open to traffic to and from Blackstone Drive, details of a bus friendly raised plateau shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

14. No security/floodlighting shall be installed other than in accordance with a scheme which has first been submitted to an approved in writing by the Local Planning Authority.

15. The development shall be carried out in accordance with the approved Travel Plan Rev P6.

16. The development shall not commence until a Construction Environmental Management Plan (the CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be implemented as approved. The CEMP shall include the following:

    - the parking of vehicles of the 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;
    - wheel washing facilities;
    - the means of access and steps to avoid trafficking via Aveling Way including appropriate directional signage;
    - hours of construction operations Construction traffic hours of operation;

- a dust management plan;
- details in respect of the protection of trees/hedges;
- a waste audit detailing waste management during site clearance and construction phases
- vehicle routing during site clearance and construction for vehicles in excess of 3.5 tonnes.

17. If site clearance works are to be carried out during the bird breeding season (March – September), a suitably qualified ecologist shall be on site to survey for nesting birds in such manner and to such specification as may have been previously agreed in writing by the Local Planning Authority.

18. If the development does not commence within one year of the date of the permission a further great crested newt survey shall be undertaken, and the assessment submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

19. Prior to the commencement of development, a skylark and lapwing management plan shall be submitted and approved in writing by the Local Planning Authority. This shall include details of protection of habitat during construction and details of proposed compensation measures either on site or off site along with a timetable for implementation. The development shall be undertaken in accordance with the approved details.

20. No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be implemented as approved. The LEMP shall include the following details:

    - A biodiversity net gain state report;
    - Full details of the specification of the landscaping for the southwestern boundary
    - Timetable for implementation of landscaping;
    - Long term maintenance of the landscaping.

21. The recommendations as outlined in the submitted Ecological Impact Assessment (7/4/22) shall be undertaken and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

22. Any trees, hedges or shrubs forming part of the approved landscaping scheme or subsequently agreed (as approved by Landscape masterplan P21-0408-01-E received on 26/4/2022) that are removed, dying, severely damaged or become seriously diseased within 15 years of their planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required to be planted.

23. No development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following: 1. An assessment of significance and proposed mitigation strategy (i.e.,

preservation by record, preservation in situ or a mix of these elements). 2. A methodology and timetable of site investigation and recording; 3. Provision for site analysis; 4. Provision for publication and dissemination of analysis and records; 5. Provision for archive deposition; and 6. Nomination of a competent person/organisation to undertake the work. The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

24. The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior consent of the Local Planning Authority.

25. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

26. Prior to occupation, a waste audit detailing waste management during operation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

27. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved

28. No part of the development hereby approved shall commence until a surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 63350-01 C, PRP Environmental, 13 December 2021, 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 rainstorm 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.

29. Development shall not commence until details of the existing and proposed land levels of the site, including sections through the site and building(s) proposed indicating finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

30. The mechanical plant for each unit shall achieve a noise limit criteria of 29LAeq daytime and 22 LAeq night-time. Cumulatively the identified limits shall not be exceeded.

---------- End of Schedule ---------