



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 2000
CREATED DATE: 03/03/2025

COMMITTEE DATE 19/03/2025 **WARD** Abbey Hill

APP REF V/2024/0642

APPLICANT Ashfield District Council

PROPOSAL Application made under Section 73 of the 1990 Town and Country Planning to make the following amendments to planning permission V/2024/0127:

1. Vary condition no. 9 (site access) to change the trigger for the provision of the main site access to prior to the occupation of the development and the addition of a condition for the provision of a temporary site access during the construction phase.
2. Approved footpath along the access road adjacent to the ADMC site widened to allow for a segregated footpath/cycleway. Road junction at Low Moor altered to suit
3. Alignment of access road altered at the east side and alignment of the road within the ADMC site altered to suit
4. Reduction in car parking spaces from 135 to 92.
5. The removal of three no.trees (reference no.s T4, T5 and T6) and a section of hedge approximately 10m in length adjacent to Lowmoor Road.
6. Vary condition no.16 (Tree protection plan) to carry out the development in accordance with the updated version of the Tree Protection Plan.
7. Vary Condition 2 (Approved Plans) for changes to the buildings elevations.
8. Vary Condition 10 (External Materials) to change the colour of the metal cladding to green.
9. Remove Pumping Station.

LOCATION Land Off Lowmoor Road, Kirkby in Ashfield, Nottinghamshire

WEB-LINK https://www.google.com/maps/@53.1141315,-1.2429315,646m/data=!3m1!1e3?entry=tту&g_ep=EgoyMDI1MDIyNS4wIKXMDSоJLDEwMjExNDU1SAFQAw%3D%3D

BACKGROUND PAPERS A, B, C, D, I & K.

App Registered: 30/12/2024

Expiry Date: 23/02/2025

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

This application has been referred to Planning Committee in the interest of transparency as Ashfield District Council is the applicant.

The Application:

This is an application to vary a number of conditions and details as previously approved under application V/2024/0127. Application V/2024/0127 granted planning permission for the construction of an automated distribution and manufacturing centre.

In effect the proposed changes relate to the site access (including temporary accesses), footway/cycle improvements, a change to the buildings external cladding colour, reduction in on-site car parking and the removal of a pumping station. The relevant conditions and details are itemised in the application description.

The description of development has changed since the application was first submitted, and a re-consultation has been undertaken accordingly.

Planning permission has previously been granted for the development, and therefore the principle of development at the site has already been established and accepted.

Consultations:

A site and press notice has been posted together with individual notifications to surrounding residents.

The following responses have been received:

Resident comments:

2 representations have been submitted objecting to the proposal, making the following comments:

- Increase in traffic.
- Road works will cause tail backs along Kirkby Folly Road.
- Traffic management or junction improvements need to be in place before the building works begin.
- Temporary access should not be from Lowmoor Road.
- Reduction in parking will cause parking nuisance in local area.
- Parking on residential streets take place by collage students.

Ashfield District Council Tree Officer:

- No comment

Ashfield District Council Ecology Officer:

- Have reviewed the amended planting schedule which shows hedgerow planting using an appropriate mix of woody species.
- The proposed tree and shrub planting and grassland creation also uses appropriate native species which addresses issues raised.

Health and Safety Executive:

- This application does not fall within any HSE consultation zones.
- There is therefore no need to consult the HSE Land Use Planning Team on this planning application and the HSE LUP team has no comment to make.

Local Lead Flood Authority:

- Based on the submitted information, object to the proposed amendments due to insufficient information on the proposed size of the swales.
- Please submit drainage details indicating the proposed size and location of the drainage features.

Natural England:

- No comments to make.

Nottinghamshire County Council Highways:

- The changes to conditions in relation to the new access, temporary accesses and car parking reduction are acceptable to the Highway Authority.

Policy:

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review (ALPR) (2002):

Policy ST1 – Development.

Policy ST4 – Remainder of the District.

Policy EM1 – Employment Land Allocations.

Policy EV2 – Countryside.

Policy EV4 – Mature Landscape Areas.

Policy EV8 – Trees and Woodlands.

Policy TR2 – Cycling Provisions in New Development.

Policy TR3 – Pedestrians and People with Limited Mobility.

Policy TR6 – Developer Contributions to Transport Improvements.

National Planning Policy Framework (NPPF) (December 2024):

Part 2 – Achieving Sustainable Development.

Part 6 – Building a Strong, Competitive Economy.

Part 8 – Promoting Healthy & Safe Communities.

Part 9 – Promoting Sustainable Transport.

Part 11 – Making Effective Use of Land.

Part 12 – Achieving Well-Designed Places.

Part 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.

Part 15 – Conserving and Enhancing the Natural Environment.

Part 16 – Conserving and Enhancing the Historic Environment.

Emerging Local Plan (2023-2040):

Policy S1 – Spatial Strategy to Deliver the Vision.

Policy S2 – Achieving Sustainable Development.

Policy S3 – Meeting the Challenge of Climate Change.

Policy S5 – High Quality Buildings & Places through Place Making & Design.

Policy S8 – Delivering Economic Growth.

Policy S9 – Aligning Growth and Infrastructure.

Policy S10 – Improving Transport Infrastructure.

Policy S12 – Tackling Health Inequalities and Facilitating Healthier Lifestyles.

Policy S13 – Protecting and Enhancing Our Green Infrastructure and Natural Environment.

Policy S14 – Conserving and Enhancing Our Historic Environment.

Policy CC1 – Zero/Low Carbon Developments.

Policy CC2 – Water Resource Management.

Policy CC3 – Flood Risk and SuDs.

Policy EV2 – Countryside.

Policy EV4 – Green Infrastructure, Biodiversity and Geodiversity.

Policy EV6 – Trees, Woodland and Hedgerows.

Policy EV9 – The Historic Environment.

Policy EV10 – Protection and Enhancement of Landscape Character.

Policy EM1 – Business and Economic Development.

Policy EM2 – Employment Land Allocations.

Policy SD1 – Social Value.

Policy SD2 – Good Design Considerations for Development.

Policy SD3 – Amenity.

Policy SD4 – Recycling and Refuse Provision in New Development.

Policy SD5 – Developer Contributions.

Policy SD8 – Contaminated Land and Unstable Land.

Policy SD9 – Environmental Protection.

Policy SD10 – Transport Infrastructure.

Policy SD11 – Parking.

Supplementary Planning Documents:

Ashfield District Council Planning and Climate Change (2022).

Ashfield District Council Developer Guide to Biodiversity and Nature Conservation (2022).

Ashfield District Council Education and Skills Improvement Plan (2022).

The National Design Guide (2021).

National Model Design Code (2021).

Building for a Healthy Life (2020).

Gear Change: A Bold Vision for Cycling and Walking (2020).

Cycle Infrastructure Design (LTN 1/20) (2020).

Manual for Streets 2 (2010).

Relevant Planning History:

V/2024/0127 - Construction of an Automated Distribution and Manufacturing Centre - Full Application Conditional Consent.

V/2024/0629 - Application for Non-Material Amendments to Planning Permission V/2024/0127:

1. Amendments to warehouse building to the elevations, door positions moved, and number of northlights reduced to one.
2. Roof to Warehouse Building Changed to a Hipped Roof, Height of Building Reduced.
3. Translocation of Existing Hedgerow to the East Side of Lowmoor Road to Allow for Segregated Footway/Cycleway.
4. Reduction in Gabion Retaining Wall Structures.
5. Addition of a Smoking Shelter.
6. Reconfiguration of Paving Adjacent to the Building Entrances.
7. Shape of Service Yard Altered and Sub Station Moved Slightly.

- NMA Conditional Consent.

V/2025/0113 - Application to Discharge Condition 3 (Remediation Scheme), Condition 4 (Surface Water Drainage), Condition 5 (Construction Environmental Management Plan), Condition 6 (Landscape and Ecology Management Plan), Condition 7 (Construction Management Plan), Condition 8 (Programme Of Access), Condition 11 (Biodiversity Enhancements) of Planning Permission V/2024/0127 - PENDING.

Material Considerations:

- Principle of Development.
- Amenity & Heritage.
- Highway Safety.
- Arboriculture.
- Drainage.
- Other.

Principle of Development

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

The National Planning Policy Framework (NPPF) (December 2024) is a material consideration. The policies in the development plan have to be considered in relation to their degree of consistency with the provisions of the NPPF (NPPF paragraph 232). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

The principle of this development has already been accepted and this proposal is seeking amendments to the scheme which do not affect the principle.

Amenity & Heritage:

Part of the application seeks to vary the colour of the metal cladding on the building. The proposal seeks to change the colour of the metal cladding from Terracotta and warm grey (as approved under V/2024/0127), to Terracotta and Anvil grey, and dark green (RAL colour 6004). Therefore elements of terracotta cladding will remain.

To the west of the site is the non-designated heritage assets of Kirkby Hardwick, Railway Bridge and Railway line. Paragraph 216 of the NPPF (December 2024) identifies that the effect of an application on the significance of a NDHA should be taken into account in determining applications. In weighing applications that directly or indirectly affect NDHA's, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

It is considered that the proposed colour changes would not cause harm to the amenity or character of the area, or to the significance of nearby heritage assets through development within their setting. Consequently, it is considered the proposed change in cladding colour would be acceptable.

Highway Safety:

A temporary access into the site is proposed for use during the construction phase of the development. Initial access would be via the existing field gate to allow the site compound etc to be established. After this point a new temporary access would be created off Lowmoor Road to facilitate the remainder of the construction phase, and use of the existing field gate access would cease. Wheel washing facilities would be present at both temporary site accesses.

The main temporary site access would be located between the existing Penny Emma Way and Julia's Way junctions. It would have gates to help manage site access and these would be set back 18m from the highway edge to avoid any vehicle obstructing the adopted highway. The temporary access would have a tarmac surface at its entrance to avoid any loose material being dragged on to the highway.

The temporary accesses would be stopped up at the respective points within the development programme and the land restored in accordance with the soft landscaping plan, which includes the reinstatement of hedgerows.

Alterations are proposed along the new access road to provide a wider footway cycleway, to link with the new footway cycleway along Lowmoor Road. The alignment of the carriageway and junction within the site need to alter slightly to accommodate this change.

A further highway related change is the reduction in the total number of on-site parking spaces. It is proposed to reduce this number from 135 to 92, which would now comprise of:

- 79 standard spaces, including 12 with ducting for future EV connection.
- 5 accessible bays with cabling for future EV connection.
- 6 EV bays.
- 2 accessible EV bays.

It is understood that the approved scheme sought to achieve as many parking spaces as possible, however following a review of the scheme in relation to the County Council's adopted car parking requirements and the sustainable location of the application site in relation to railway and bus connections, a reduction in car parking capacity to 92 spaces would still exceed the County Council's requirements, and is considered to be sufficient to accommodate the needs of the site.

A reduction in car parking capacity also reduces the level of hard landscaping and engineering, and allows for more soft landscaping to be integrated into the development.

Nottinghamshire County Council as the Highway Authority (HA) have reviewed the changes proposed under this application. Within their consultation response the HA confirm that, based on the sites mixed use for offices and light/general industrial, a reduction in spaces would be acceptable, and the proposed temporary accesses are also acceptable. The consultation response from the HA is considered to carry significant weight in the planning balance.

Concerns have been raised by residents in relation to the developments impact upon the local highway network, largely in relation to traffic volumes, construction activities and parking.

Any increase in traffic which could stem from the development was considered under the initial application, as a reduction in on-site car parking is proposed as part of this application, it is considered that the changes would not directly amount to an increase in traffic.

The objection on parking grounds appears to primarily derive from students associated with the nearby collage utilising nearby residential streets for parking. This point of objection is considered to be anecdotal, and no evidence has been presented which would suggest the development would contribute to or exacerbate this.

A further point raised by residents is that any roadworks on Lowmoor Road would cause tail-backs of traffic along Kirkby Folly Road. Officers appreciate that road works can be a cause of frustration for residents, however they would only be in-situ for a temporary period and as such would not warrant a refusal of the application on this basis.

Overall it is considered that the proposed development would not detrimentally harm the capacity or safety of the local highway network.

Arboriculture:

An 'Arboricultural Impact Assessment, Method Statement and Tree Protection Plan' (Dated January 2025, Report Ref: RSE_6138_R1_V3_ARB, Prepared by 'Ramm Sanderson', Received 16/01/2025) has been submitted with this application. The report assessed 41 individual trees, 15 groups of trees and 3 hedgerows, and has identified a further 3 trees to be removed in addition to a circa 10m stretch of hedgerow.

The additional 3 trees now proposed for removal are T4 (a goat willow), T5 (a goat willow) and T6 (a field maple), with the 10m hedge removal from H1. Their removal is required to accommodate the development of the new site layout. Tree T4 has been identified as being in a poor overall condition, with trees T5 and T6, including the sections of hedge H1, all identified as being of low quality (Category C). The trees and hedgerow section to be removed are associated with the new temporary construction access.

The submitted 'Arboricultural Impact Assessment, Method Statement and Tree Protection Plan' identifies mitigation against these losses by replanting at a ratio of at least 1:1 in area(s) which would allow trees to reach maturity.

A soft landscaping scheme and accompanying planting schedule (received 19/02/2025) has been submitted which identifies 46 regular standard native trees are to be planted utilising species comprising chestnut, birch, cherry, oak, whitebeam and rowan. Native hedgerow planting utilising dog rose, hazel, hawthorn, dogwood and blackthorn will complement the existing hedgerow.

Hedgerow along the site frontage with Lowmoor Road has already been cut and is proposed to be translocated to accommodate the new layout and footpath widening works etc as discussed in the Highway section above.

The Tree Protection Plan has been updated to account for the additional tree removal and layout alterations.

Drainage:

The initial planning permission for the site (V/2024/0127) granted a pumping station to the north of the original building, to pump foul water to the existing drain on Julias Way.

Following the grant of planning permission the applicant/agent undertook further topographical and utilities surveys of Lowmoor Road and Julias Way to enable detailed drainage designs to progress. As a result of this work it was identified that the existing Severn Trent Water sewer in Julias Way had capacity to accommodate flows from the application site, which was achievable via a gravity connection. As a result, the pumping station has been identified as no longer being required.

Consultation comments received from the Local Lead Flood Authority in January 2025 raise an objection in relation to changes to the on-site swale. Whilst an earlier iteration of the application submission did propose alterations to the swale, this aspect no longer forms part of this application and therefore the condition in relation to surface water drainage remains unaltered. A swale still forms part of the application.

Conclusion:

Having reviewed all the submitted information and assessing this against all relevant policies and material planning considerations, within the planning balance, it is considered that the proposed changes and variation of conditions 2, 9, 10 and 16 of application V/2024/0127 are acceptable in accordance with the submitted details.

Recommendation: Grant planning permission, subject to the below conditions.

CONDITIONS

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

- a) Proposed Site Plan, Drawing No.ADMC-MAB-00-00-D-A-0109 S2 / P01, Received 16/01/2025.
- b) Proposed Site Plan, Drawing No.ADMC-MAB-00-00-D-A-0108 S2 / P01, Received 16/01/2025.
- c) Temporary Site Access Plan, Drawing No.2343 Rev.1, Received 19/02/2025.
- d) Temporary Site Access Plan, Drawing No.LC-002, Received 19/02/2025.
- e) Site Compound Plan, Drawing No.LC-0001, Received 19/02/2025.
- f) Proposed Elevations, Drawing No.ADMC-MAB-00-ZZ-D-A-0160 S2 / P04, Received 18/02/2025.
- g) Proposed Ground Floor Plan, Drawing No. ADMC-MAB-00-00-D-A-0120 S2 / P07, Received 04/03/2025.
- h) Proposed First Floor Plan, Drawing No. ADMC-MAB-00-01-D-A-0121 S2-P06, Received 04/03/2025.
- i) Proposed Roof Plan, Drawing No. ADMC-MAB-00-02-D-A-0122_Proposed Roof Plan S2-P02, Received 04/03/2025.
- j) Proposed Site Sections, Drawing No.ADMC-MAB-00-00-D-L-4010 S2 / P02, Received 16/01/2025.
- k) Landscape Masterplan, Drawing No.ADMC-MAB-00-00-D-L-4001 S2 / P01, Received 16/01/2025.
- l) Planting Schedule, Drawing No.ADMC-MAB-00-ZZ-SH-L-4800 S2 / P03, Received 19/02/2025.

3. No works shall take place (save for above ground demolition works and site preparation works) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- i. A preliminary risk assessment which identifies:
 - All previous uses;
 - Potential contaminants associated with those uses;
 - A conceptual model of the site indicating sources, pathways and receptors; and
 - Potentially unacceptable risks arising from contamination at the Site.
- ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii. The results of the site investigation and detailed risk assessment referred to in (ii) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation

- iv. measures required and how they are to be undertaken;
 - iv. A verification plan setting out the details of the data that will be collected to demonstrate that the works set out in the remediation strategy in (iii) are complete to a satisfactory standard; and
 - v. If required, a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.
 - vi. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of any area identified by the report.
- b) If during the works any additional suspected contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:
- i. The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
- Or
- ii. Timescales for submission of a remediation scheme and details of works which may be carried out in the interim
- c) Any additional land contamination shall be fully remediated prior to the first occupation of any area identified by the report.
4. 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 Rogers Leask Ltd Flood Risk Assessment (FRA) ref 22008-RLL-24-XX-RP-C-2001 dated 05/06/24, 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 and NPPF Paragraph 169.
 - Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
 - Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme,

including details on any attenuation system, the outfall arrangements and any private drainage assets.

- No surcharge shown in a 1 in 1 year.
- No flooding shown in a 1 in 30 year.

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 30 year and 1 in 100 year plus climate change return periods.

For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of approval for drainage infrastructure crossing third party land where applicable.
 - Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
 - 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 effectiveness.
5. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following: -

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to include consideration of lighting) (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

6. No development shall take place (including ground works and vegetation clearance) until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following: -

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Thereafter the site and, or any area arising from Biodiversity Net Gain obligations shall be managed in accordance with the approved LEMP.

7. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide details of the following:

- a) Details of noise, dust and vibration suppression;

- b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting;
- c) Details of on-site materials storage areas;
- d) Details of on-site construction parking and manoeuvring area, including loading and unloading of plant and materials;
- e) Details of any crusher to be used on site;
- f) Details of any piling which is required;
- g) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- h) Details of wheel washing facilities during construction;
- i) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- j) Proposed hours and days of working;
- k) site contact details in case of complaints.

The development shall be carried out in accordance with the approved details for its entire construction phase.

8. No development shall take place until such time as a programme has been submitted to and approved by the Local Planning Authority covering the following works:

- i) The provision of the proposed signalised access junction including segregated footway/cycleway facilities in accordance with LTN1/20 from Observatory Way to Kirkby Folly Road and associated highway improvements, including alterations to the bus layby, on Low Moor Road broadly in accordance with indicative drawing no. 22008-RLL-24-XX-DR-D-5002 Rev. P04.
- ii) The provision of a segregated footway/cycleway on the proposed 'new access road' to the ADMC from Low Moor Road in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Note

The works shall be carried out in accordance with the agreed programme unless otherwise agreed in writing with the Local Planning Authority. For clarity, any plans submitted are conceptual ONLY and will be subject to detailed technical appraisal during the S278 process.

9. The development hereby permitted shall not be brought into use until the new access into the site has been provided broadly in accordance with the indicative drawing no. ADMC-MAB-00-00-0105 Rev P03.

10. No external materials shall be used other than those shown on approved Elevation Drawing No.ADMC-MAB-00-ZZ-D-A-0160 S2 / P04, Received 18/02/2025.
11. Prior to any construction above foundations level, a scheme of biodiversity enhancement based on the recommendations provided in Section 7 of the Ecological Impact Assessment prepared by RammSanderson dated March 2024 shall be submitted to and approved in writing by the Local Planning Authority. The enhancement scheme shall be implemented in accordance with the agreed details as construction proceeds and completed prior to the first occupation of the development.
12. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy 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.
13. No part of the development hereby permitted shall be brought into use until a scheme detailing the reconfiguration and enhancements to the bus stop AS0320 Sutton Parkway Rail Station and lay-by have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of a real time bus stop flag, pole & display including low voltage power source to the real time information pole location; polycarbonate bus shelter; solar or electrical lighting in the bus shelter; raised kerbs; bus stop clearway; lowered access kerbs; additional hard stand (3.5metres x 7metres), black top dressing (tarmacadam). The development shall not be brought into use until the works comprising the approved scheme have been implemented in full.
14. The development hereby approved shall not be brought into use until an assessment of sound emanating from the site has been undertaken and a scheme specifying the provisions to be made for the control of sound has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the rating level of the sound, corrected for acoustic features, measured at or calculated to, a position representing any residential façade which may suffer a loss of aural amenity from sound associated with the development, does not exceed the residual sound level. The development hereby approved shall not be brought into use until the works comprising the approved scheme have been implemented in full. Thereafter the works shall be retained for the life time of the development.

The references in this condition to rating level and residual sound level have the same meaning as those defined in BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

15. The development hereby approved shall not be brought into use until details of the external lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the "Guidance Note GN01/21 The Reduction of Obtrusive Light" produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before any form of external lighting is first brought into use and shall be retained thereafter. Thereafter, no form of external lighting shall be used unless it conforms to the approved scheme.
16. The development shall be carried out in strict accordance with the Tree Protection Plan, Drawing No RSE_6138_TCP Rev.V3 and the 'Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (Dated January 2025, Report Ref: RSE_6138_R1_V3_ARB, Prepared by 'Ramm Sanderson', Received 16/01/2025).
17. No part of the development hereby approved shall be brought into use until the street lighting in the vicinity has been assessed and additional lighting provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
18. No part of the development hereby permitted shall be brought in into use until improvements, compliant with LTN1/20, to the existing shared footway/cycleway facility on Low Moor Road between Observatory Way and Kirkby Folly Road have been provided broadly in accordance with indicative drawing no. 22008-RLL-24-XX-DR-D-5002 Rev. P04.
19. No part of the development hereby permitted shall be brought into use until a segregated footway/cycleway facility, compliant with LTN1/20, on the southern side of the proposed new access road, between the ADMC development site and Low Moor Road has been provided in accordance with details and plans to be first submitted to and approved in writing by the Local Planning Authority.
20. No part of the development hereby permitted shall be brought into use until a turning head has been provided on the new access road in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
21. No part of the development hereby permitted shall be brought into use until the Travel Plan submitted has been approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a

timetable and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

22. No part of the development hereby permitted shall be brought into use until a scheme to provide improvements to the bus stop AS0319 Sutton Parkway Rail Station have been submitted to the satisfaction of the Local Planning Authority to include the following: re-lining the clearway and Traffic Regulation Order for enforceable clearway, remove bus shelter, replacement polycarbonate shelter and other enhancements as required.
23. No part of the development hereby permitted shall take place until the new temporary access into the site has been provided broadly in accordance with drawing LC-0001. Within 4 months of the development being brought into use the temporary access shall be blocked up and restored in accordance with the approved landscape plans.

REASONS

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. To define the permission and for the avoidance of doubt
3. To protect future occupiers of the development from unacceptable land contamination risk and 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 accordance with paragraphs 180, 189 and 190 of the National Planning Policy Framework. This condition is necessary as a pre-commencement condition because in the absence of a robust remediation plan the development process could result in the spread of contamination and a risk to public health.
4. 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.
5. To protect wildlife from harm during the construction period in accordance with paragraph 180 of the National Planning Policy Framework.

6. In the interests of securing biodiversity net gain in accordance with paragraph 180 of the National Planning Policy Framework.
7. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration the National Planning Policy Framework.
8. In the interests of pedestrian and general highway safety.
9. In the interests of general highway safety
10. In the interests of protecting the amenity of the area and for the avoidance of doubt.
11. In the interests of obtaining a net gain in biodiversity in accordance with paragraph 180 of the National Planning Policy Framework.
12. To ensure that the site does not pose any further risk to 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 180 of the National Planning Policy Framework.
13. In the interests of promoting sustainable forms of travel in accordance with the National Planning Policy Framework.
14. In the interest of the aural amenity of nearby dwellings in accordance with paragraph 135(f) of the National Planning Policy Framework.
15. To protect against obtrusive light causing adverse impacts for nearby dwellings in accordance with paragraph 135(f) of the National Planning Policy Framework.
16. In the interests of protecting trees and the positive contribution they make to the character of the area.
17. In the interests of general highway safety.
18. To promote sustainable travel.
19. To promote sustainable travel.
20. To ensure adequate turning facilities for users of the proposed highway.
21. In the interests of promoting sustainable travel in accordance with the National Planning Policy Framework.

22. In the interests of promoting sustainable travel in accordance with the National Planning Policy Framework.
23. In the interests of protecting the amenity of the area and for the avoidance of doubt.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).