



**APPLICATION NO:** 2012/1373

**LOCATION:** Site Of Daybrook Laundry Mansfield Road Daybrook Nottinghamshire

**PROPOSAL:** Erection of a new Retail Food Store (Class A1) with associated car parking and landscaping.

**APPLICANT:** Aldi Stores Limited And Daybrook Limited

**AGENT:** Mr Steve Keeling

### **Site Description**

The application site is approximately 0.8 of a hectare in size and is part of the former Daybrook Laundry site, which has an overall area of approximately 1.7 hectares. It is located on the west side of the A60 Mansfield Road, opposite the junction with Sir John Robinson Way and rises in level from east to west. Most of the buildings on the current application site have been demolished.

To the north of the application site, and within the former Daybrook Laundry site, is a large industrial unit. To the north and east is a Premier Inn hotel and the Old Spot Public House, to the south is SGB Scaffolding and three residential properties on Byron Street, whilst to the west is part of the former Daybrook Laundry site and residential properties on Browning Close.

Across Mansfield Road, to the north-east and south-east, are the Grade II\* Listed St Paul's Church and the Grade II Listed Daybrook Almshouses and former Home Brewery Offices building. Further to the south are the Grade II Listed Coronation Buildings and former J & R Morley hosiery factory.

Access to the site is from Mansfield Road, at the signal controlled junction with Sir John Robinson Way.

### **Relevant Planning History**

The site is allocated to be protected for employment purposes in the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

In June, 2008, outline planning permission was refused for residential development on the Daybrook Laundry site, on the following grounds:

- The proposed development would lead to the loss of protected employment land.
- Insufficient information had been provided regarding past industrial activity to assess the proposed remedial measures
- The scale and layout of the proposed development would be inappropriate to its context and would fail to improve the character and quality of the surrounding area and the way it functions.
- The proposed layout and scale of the development would not be to a high standard of design.

- It would fail to safeguard a building that makes an important contribution to the appearance of the area and the proposed dwellings would not be sited and designed to relate to each other and to roads, footpaths and open spaces in the surrounding layout.

A subsequent appeal against this decision was allowed in December, 2008. In reaching this decision, the Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the area.

In this respect, the Inspector considered that the proposed treatment of the entrance to the site failed to take advantage of the possibilities of enhancing the street scene with a distinctive landmark building, which would complement the Home Brewery Building opposite and other important buildings in the locality and provide a focal point for views of the site from along Sir John Robinson Way. However, he opined that there was no compelling reason why matters of scale and layout should not be deferred for future, detailed, consideration.

In November, 2011, a new planning permission was granted under application no: 2011/1113 to replace the planning permission granted on appeal, in order to extend the time limit for implementation. This permission remains extant.

### Proposed Development

Full planning permission is sought for the erection of a 990 square metres net foodstore with associated car parking, landscaping and access arrangements.

The proposed retail development has been designed to enable the future development of the whole of the former Daybrook Laundry site for complementary, non retail uses, as the applicants trading format does not require the whole of the site to accommodate the proposed development.

Whilst not part of the current application, details of a potential residential development scheme on the remainder of the site has been provided. Due to the prevailing ground levels and the need to provide a level access to the car park for the proposed foodstore, it is necessary to split the site levels. This would result in a higher plateau between the rear of the proposed foodstore and existing dwellings on Browning Close.

The proposed store is set back within the site, with a landscaped car park to the front, which would be accessed via a proposed new road extending from the A60 Mansfield Road and Sir John Robinson Way junction. The proposed new road would also provide a suitable access to the remainder of the site to accommodate other future uses, such as residential or employment.

The proposed food store is rectangular in plan and would measure approximately 60.5 metres by 25 metres, with a flat roof ranging from 5.5 metres to 6 metres in height due to level changes across the site. The proposed food store would be set back approximately 70 metres into the site from Mansfield Road, with a landscaped car parking area to the front and a new internal access road, which would also provide access to other land on the former Daybrook Laundry site which is not part of the current application.

Due to differences in levels, a gabion retaining wall, with a maximum height of approximately 7 metres, would be constructed along the entire length of the western, rear boundary of the site and would return some 43 metres along the northern, side boundary of the site. The top of the proposed retaining wall would be at a similar level to the remaining land within the former Daybrook Laundry site to the rear of the proposed food store and the garden and floor levels of existing dwellings on Browning Close. It would also be a similar level to the rear garden of properties on Byron Street, and would step up

in height from these into the site. The proposed gabion wall would be surmounted by a 2.1 metres high green paladin fence.

Access would be via the existing signal controlled junction off the A60 Mansfield Road, opposite the junction with Sir John Robinson Way and a total of 78 car parking spaces would be provided, including 5 disabled spaces, 5 parent and child spaces and 4 cycle hoops, located close to the entrance.

The proposed development would also include a storm water collection system within the site.

The proposed food store would be linear in design with a projecting canopy to the south and east sides around the entrance. External finishes would include white painted render with a coalport blue smooth brick plinth wall below. The proposed canopy fascia would consist of anthracite grey powder coated aluminium sheeting and this colour would also be used for the proposed windows, doors, shopfronts and entrance.

It is proposed that the main circulatory areas would be surfaced in tarmac with the car parking spaces surfaced in block paving and the service yard in brushed concrete. Conservation paving is proposed around the entrance to the proposed food store.

The proposed landscaping plan shows the planting of 18 trees and 6 substantial areas of shrub planting around the proposed access and service roads and car park.

The application is accompanied by a Design and Access Statement, Planning Statement, Retail Impact Assessment, Heritage Assessment and Statement, Air Quality Assessment, Arboricultural Report, Ground Investigation Report, Statement of Community Engagement, Extended Phase 1 Habitat and Protected Species Survey Report, Noise Impact Report, Transport Assessment and Interim Travel Plan.

Since submission, the Retail Impact Assessment has been updated and an Air Quality Technical Note provided. Additional cross-section drawings and a streetscene have also been submitted, showing the relationship of the proposed development to existing adjacent buildings.

## **Consultations**

Local Residents & Businesses - have been notified by letter, a site notice has been posted and the application has been publicised in the local press.

I have received one email from a local property development company objecting to the proposed development on the following grounds:

- This application is for an out of centre retail proposal.
- It will affect the viability of a committed site in the area.
- It involves the use of land with residential consent and featuring in SHLAA/Land Supply calculations (this loss appears to involve not only the site of the proposed store, but also the “balance” of the former Laundry site, which it is suggested will be developed for uses “complementary” to the food store).
- Gedling Borough does not currently have a 5 year housing supply and the loss of this site (around 100 or so dwellings) to other uses will lead to more pressure on the Green Belt.

I have received one letter from a local resident, which whilst supporting the principle of a food store in this location raises concerns about the developability of the remaining vacant land, particularly the strip between the rear of the proposed store and existing dwellings on Browning Close and Byron Street, and makes detailed comments on the proposed landscaping and its maintenance.

Whilst supporting the proposed development, two local residents have commented that it is difficult to enter or exit Byron Street, due to two lanes of traffic converging and illegal parking, and there is concern as to how the extra traffic will be managed.

I have also received 60 postcards and an email from local residents, which make representations in support of the proposed development on the following grounds:

- The proposed development is just what is needed in Daybrook and would benefit the area.
- The proposed development would increase shopping competition in the area, but is unlikely to harm the established large stores.
- The proposed Aldi store would provide quality foods at affordable prices, unlike other local stores, which would be much appreciated, especially in the current double dip recession.
- The proposed Aldi store would be convenient for the local community, especially for the elderly and others living on the west side of Mansfield Road, and provide local people with more shopping choice at low prices.
- The proposed development would be within walking distance for many local residents and would avoid the need to drive to other Aldi stores in Hucknall and Bulwell.
- The proposed development would benefit from more disabled parking spaces.
- The proposed development would create employment opportunities for local people.
- The former Daybrook Laundry site is currently an eyesore and the proposed development would greatly improve the appearance of the area and put the site to good use.
- Daybrook has become sadly neglected over the years, with no shops or industry. The proposed development may encourage more shops and the redevelopment of the area.
- More shops are needed in Arnold, which has a large number of charity shops.
- The proposed development would generate revenue for the Borough Council.
- Although there may be more traffic along Mansfield Road, the traffic lights should ensure that this is not an issue and enforcing speed limits would assist.
- A pedestrian crossing on Mansfield Road at the end of Church Drive would make it easier to cross.

Nottinghamshire County Council (Highway Authority) – makes the following comments:

The Highway Authority remains concerned with regard to the impact which a development on this parcel of land would have on the inadequate signal controlled junction on the A60 Mansfield Road. However, it is accepted that some form of re-

development would be acceptable, given the previous laundry use of the site. The Highway Authority's stance has always been that the scale of development would have to be restricted to a level which would be unlikely to materially affect road safety. The Highway Authority's particular concerns are the right turn into the site and the right turn out in the morning peak.

Be that as it may, there is an extant permission at this site for 60 residential units and 65 apartments. The current application is for a discount food store on around half of the site, with a 78 space car park. The Highway Authority's maximum parking standards call for up to 105 spaces, but bearing in mind the location of the development and the surrounding infrastructure and public transport provision, the lower figure of 78 spaces, a shortfall of 27 spaces from the maximum parking standard, is considered acceptable.

Bearing in mind the above concerns, the Highway Authority has suggested that if the right turners generated from the food store development with residual residential allocation do not generate any more right turners than the permitted residential development, it would raise no objections.

The traffic generation from the extant residential site generates 8 right turners into the site and 24 right turners out in the morning peak. This proposal, with the residual housing also allocated, would generate 11 right turners in and 16 out during the same period, which is less than that already permitted.

The Highway Authority has held some discussions with the applicant's transport consultant, namely with regards to altering the phasing of the existing signals to assist with right turning into the site. These details have now been agreed and the Highway Authority has no objections to the proposals, subject to the imposition of various conditions to secure the implementation of the proposed changes to the road junction and traffic signals; the provision of the proposed parking, turning and servicing areas; measures to prevent the deposit of debris on the public highway; and a Construction Method Statement (which would provide for wheel washing facilities, measures to control the emission of dust and dirt and a scheme for recycling/disposing of waste resulting from demolition and construction works).

Having reviewed the additional section drawings, the Highway Authority has requested the imposition of an additional condition requiring the erection of a boundary wall along the site's frontage with the new access road at a height no less than 1 metre in order to alleviate potential glare and nuisance to vehicles manoeuvring in and around the signalised junction at the A60 Mansfield Road/Sir John Robinson Way from the headlights of vehicles entering and exiting the car parking spaces fronting the new access road.

In addition, consideration needs to be given to the location and direction of lighting of any security or floodlighting of the car park, so as not to cause a nuisance to other highway users.

The highway works associated with this development will need to be constructed to an adoptable standard to enable the access road to adequately serve the remainder of the site. These works will have to be carried out via an appropriate legal agreement with the Highway Authority.

Public Protection – make the following comments:

#### 1. Ground Investigation Report

Having reviewed the information supplied, a number of comments are made drawing attention to deficiencies or omissions in the investigation and assessment work

undertaken to date. It is therefore recommended that specific conditions are imposed on any planning permission to ensure that the correct assessments and any remedial works are carried out to ensure the site is suitable for use. Details of the necessary conditions to secure this have been provided.

## 2. Air Quality

Following the submission of an updated Air Quality Assessment, Public Protection is satisfied with the reports conclusions relating to the affect the proposals will have on air quality by 2017. To that end, no further works are required with regard to air quality and this development.

## 3. Food, Health & Safety

Comments are made on the car park layout and signage with regard to vehicle circulation, ventilation to the toilets, staff accommodation facilities, tree management, flooring type and food hygiene and health and safety legislation.

Environment Agency – in terms of groundwater risk, the site of the former Daybrook Laundry is situated in a Source Protection Zone 3 on the Sherwood Sandstone which is a principal aquifer. These are layers of rock or drift deposits that provide a high level of water storage and support water supply and/or river base flow on a strategic scale.

The Environment Agency has been tasked to implement the Water Framework Directive. Under the Water Framework Directive, the environmental objectives for groundwater and surface water bodies include:

- Prevent any deterioration in the status of water bodies, improve their biological and chemical status and prevent further pollution.
- Implement actions to reverse any significant and sustained upward trends in pollutant concentrations in groundwater.
- Hazardous substances must be prevented from entry into ground and surface water and the entry into groundwater of all other pollutants must be limited to prevent pollution.

These environmental considerations should be addressed during the redevelopment of this land.

Several years ago the site was subject to some investigation and remediation works, which dealt with solvent contamination in some of the made ground at the site. The Environment Agency commented on the remediation works at the time and the site was not subsequently redeveloped during this period.

Since this time, more demolition works have been undertaken which has allowed further site investigation works to be conducted and the results of this further investigation are included in the Report Reference G11033 submitted as part of the planning application. Unfortunately the investigative works detailed in the report do not adequately address the issues of possible contamination present at the site and the associated risk to groundwater.

In order to progress this to the point where the Environment Agency considers the report to accurately reflect the risks posed by the site, it requests that the following outstanding issues are addressed through a condition:

- Currently no Desk Top Study has been carried out for the site. As such all former land

uses and their associated potential for contamination have not been assessed adequately.

- It is not clear whether the boreholes drilled at the site have been placed in targeted locations to consider areas of the site where previous activities have had the greatest likelihood of contaminating the ground.
- The site is a former laundry which undertook dry cleaning, a process which is known to use chlorinated solvents. This potential type of contaminant has not been included in the analysis suite for the soil samples taken at the site. The Department of the Environment Industry Profile for Miscellaneous Industries contains a chapter relating to dry cleaners and what contaminants may be present and their likely locations on a site.
- The soil samples submitted for analysis are from a very limited section of ground at the site. The deepest sample taken is from only one meter below ground level, the other samples are from shallower depths. This limited sampling does not adequately assess the vertical migration of contaminants through the ground at the site.
- It is not clear from the report whether the groundwater borehole at the site which was used to supply some of the laundry's activities has been decommissioned in accordance with Environment Agency Guidance.
- Currently there is no adequate risk assessment or soil clean up values for the protection of groundwater. As such the statement in the report that no specific remedial measures are required is erroneous as this is an outstanding area of risk which has not been addressed.
- Groundwater at the site is estimated at being 15-20 meters below ground level. As such the current boreholes will not be deep enough to detect groundwater.
- Without groundwater samples it is impossible to determine what remediation may be required for the site in order to prevent further pollution of groundwater.
- The reuse of material from the made ground will not be permissible unless the material is subject to further testing which targets all likely contaminants and adequately assess the material for potential reuse.

The Environment Agency considers that planning permission could be granted to the proposed development as submitted, subject to the imposition of planning conditions regarding the following matters:

- A scheme that includes components to deal with the risks associated with contamination of the site (specific details of the required components has been provided)
- Measures to deal with any contamination not previously identified, which is found during development.
- A scheme for the provision and implementation of surface water run-off limitation, which shall not result in an increase in the rate of surface water discharge to the local land drainage system.

Severn Trent Water – no objection to the proposal, so long as the development is not commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be



implemented in accordance with the approved details before the development is first brought into use.

Urban Design Consultant – raises objections of design grounds for the following reasons:

1. The site is visually important on the Mansfield Road and is set amongst several iconic buildings, many of which are listed as of historic importance. The proposal for a standard retail outlet with no architectural merit set behind a large expanse of parking would not contribute to the quality of the street. Opposite the site is the important former Home Brewery offices, then the Almshouse, the Church and also, on the same side, is Coronation Buildings. These distinct local interest and listed buildings create landmark features along this part of Mansfield Road. Any development of this site needs to do the same and respect the memory of the former Daybrook Laundry.
2. The proposed building is uninspiring and suits a location within a retail park. The linear design and plain elevations do not respect the importance of the site, which commands a building with a vertical emphasis set forward of the site with a strong visual relationship with the Mansfield Road.
3. The piecemeal development of this large site is inappropriate, as the result will be numerous individual buildings on the site, which will not come together in a cohesive form of development.

Nottinghamshire County Council (Arboricultural Advice) – is satisfied that the report submitted with regard to the trees on the site is in general a factually correct representation.

The County Council accepts the reports recommendations, save for the removal of the prominent protected lime tree on the site, the retention of which it considers has not been given full and due consideration given its visual prominence and health.

It is also noted that no arboricultural impact assessment or full detail of protective fencing measures has been supplied.

It is therefore suggested that the application be refused on the grounds of an unacceptable loss of public visual amenity caused by the proposed removal of the lime tree and that insufficient information has been submitted to enable a determination to be made.

Nottinghamshire Wildlife Trust – welcomes the provision of the Extended Phase 1 Habitat and Protected Species Survey Report, as this allows protected species to be properly considered in the planning decision, in line with Government advice which states that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

Having studied the report, the Trust accepts its methodology, which found no evidence of protected species on the site. The Trust has no objection to the proposal in principle and strongly supports the recommendations in Section 4 of the report.

The Trust would also like to highlight the following points:

The report states that the dense ivy and Virginia creeper on the brick wall on the eastern boundary of the site is considered to have potential to support roosting bats. It is recommended that this vegetation is retained to continue to provide a potential roosting opportunity. If there are proposals to remove this vegetation then further survey work or inspections would need to be undertaken, prior to its removal, to determine the presence or absence of roosting bats.

The report recommends as a best practice measure that features for roosting bats are incorporated into the new building to provide enhanced roosting opportunities on site for bats. This could include for example bat bricks, tubes or boxes. In addition, it is recommended that any landscaping proposals within the site include native tree and shrub planting to provide new foraging opportunities for bats.

In order to avoid impacts to nesting birds, the Trust also requests that all work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds. All birds', their nests and eggs are protected by the Wildlife and Countryside Act 1981 (as amended).

To avoid committing an offence under the Wild Mammals Act it is recommended that the fox earth is excavated by hand or with a small machine to ensure that any animals using the earth can escape unharmed.

### **Planning Considerations**

The main planning considerations regarding this application are the introduction of a new retail store in an 'out of centre' location on a site protected for employment purposes and the impact of the proposed development on highway safety, contamination, local heritage and design, a protected tree, ecology, residential amenity and whether the proposal would meet the main principles of sustainable development.

National planning policy guidance is set out in the National Planning Policy Framework (NPPF), at the heart of which is a presumption in favour of sustainable development. The following core planning principles of the NPPF are relevant to this planning application:

- 1. Building a strong, competitive economy (paragraphs 18-22)
- 2. Ensuring the vitality of town centres (paragraphs 23-27)
- 7. Requiring good design (paragraphs 56-68)
- 10. Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)
- 11. Conserving & enhancing the natural environment (paragraphs 109-125)
- 12. Conserving & enhancing the historic environment (paragraphs 126-141)

Locally, the following saved policies of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) are relevant to this planning application:

- Policy ENV1: Development Criteria
- Policy ENV3: Development on Contaminated Land
- Policy ENV21: Setting of Listed Buildings
- Policy ENV47: Tree Preservation Orders
- Policy S11: Retail Development outside Shopping Centres
- Policy T10: Highway Design and Parking Guidelines

Gedling Borough Council at its meeting on 13<sup>th</sup> February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (ACSSD) which it considers to be sound and ready for independent examination. Consequently, Gedling Borough Council, in determining planning applications may attach greater weight to the policies contained in the ACSSD than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given), and is explored further in the Introduction Report.

The following emerging planning policies are relevant to this planning application:

- 1. Climate Change
- 6. Role of Town and Local Centres
- 10. Design and Enhancing Local Identity
- 11: The Historic Environment
- 17. Biodiversity

Government has legislated to abolish the East Midlands Regional Plan and the revocation order has been laid in Parliament and will come into force imminently and for all intents and purposes the East Midlands Regional Plan is no longer part of the development plan. However, in any case, after reviewing the East Midlands Regional Plan, it is considered that none of the policies it contains are relevant to this application.

### Retail Planning Policy Considerations

This application is for the construction of a new retail store (Class A1) with a total floor space of around 1476sq metres (gross) in an 'out of centre' location. While the site is protected for employment purposes by Policy E3 of the Replacement Local Plan (RLP), the previous appeal decision has established that extensive marketing has taken place and alternative uses can be considered on the site.

The relevant retail planning policies that need to be considered in relation to the proposed development are set out in and Sections 1 and 2 of the NPPF, Policy S11 of the RLP and Policy 6 of the ACSDD

Paragraphs 18-22 of the NPPF relate to building a strong competitive economy and paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraphs 23-27 of the NPPF relate to ensuring the vitality of town centres and paragraph 24 sets out that main town centre uses which are not in a town centre and not in accordance with an up to date development plan should demonstrate compliance with the sequential test. This requires sites within or on the edge of centres to be considered before out of centre locations can be developed. Applicants should demonstrate flexibility on issues such as format and scale.

Paragraph 26 of the NPPF sets out the requirement for an Impact Assessment. Proposals in excess of 2,500 square metres or the locally set threshold will need to provide an Impact Assessment. The Impact Assessment should include assessment of:

- The impact on existing, committed and planned public and private investment in centre(s); and
- The impact on the vitality and viability of centre(s).

Paragraph 27 of the NPPF sets out that where the proposal fails the sequential assessment or is likely to have significant adverse impacts on the factors identified above, permission should be refused.

Policy S11 of the RLP adopts a similar approach to the NPPF and requires, inter alia, that proposals demonstrate compliance with the sequential test and do not cause demonstrable harm to the vitality or viability of other shopping centres. Policy S11 also requires evidence of a 'need' for a proposal. While this requirement was not included in previous national policy (PPS4) or in the NPPF, understanding 'need' is a part of the sequential assessment and understanding where the catchment of the store lies (and therefore which centres should be searched).

Policy 6 of the ACSSD seeks to maintain and enhance the vitality and viability of all centres and states that new retail uses in out-of- centre locations will need to demonstrate suitability through a sequential site approach and a robust assessment of impact on nearby centres.

There are therefore two elements which should be considered:

- Whether there is a suitable and available site within or on the edge of a town centre; and
- Whether the proposal is likely to have a significant adverse impact on town centres.

Each will be considered in turn.

### 1. Sequential Assessment

Paragraph 5.4.8 of the Retail Statement indicates that a site of around 0.4 – 0.5 of a hectare (ha) is required for the proposal. Sites within centres close to the proposed location have been considered. These are mainly within Arnold Town Centre. The table below sets out the conclusions on the sites considered:

<b>Site</b>	<b>Applicants Comments</b>	<b>Planning Officer comments &amp; conclusion</b>
Leisure Centre & Library	Council proposes regeneration of North end of Arnold. Plans are not advanced enough to enable the site to be considered available and would require relocation of Leisure Centre and Library.	Given position with Town Centre masterplan it is agreed that there is insufficient certainty that the site is likely to be available within the next five years and, as such, the site is not considered available.
Druids Tavern, High Street	Site is too small. Pub is still trading	Pub has been demolished and proposed to be used as car park. Agree not available.
Various Units, High Street	Site is too small and has multiple owners. No evidence available.	Agree not available.
Friar Tuck, Gedling Road.	0.41ha but Public House is still trading. Site not available.	Agree not available.
BT Building, Nottingham Road	Only 0.22ha and still in use by BT. Limited scope to acquire surrounding units.	Agree not available.
Car Park site, High Street	Only 0.3ha in size and would require adjacent units on Front Street to accommodate Aldi proposal. Would lead to the loss of town centre car parking. Long term aspirations for the site need to be established in Masterplan.	Given position with Town Centre masterplan it is agreed that there is insufficient certainty that the site is likely to be available within the next five years and, as such, the site is not considered available.

Health Centre site, High Street	Only 0.3ha in size with limited potential to acquire units on Front Street. Alternative location for the Health Centre would be required.	Agree not available.
Former Nursing Home, Beckhampton Road Local Centre	Site is large enough and sequentially preferable. Location would not serve identified catchment area. The site is allocated for residential purposes and Nottingham City Council have confirmed they would prefer family dwellings on site.	Agree not available.

There are no additional sites within centres in Gedling Borough that should be considered.

While the High Street Car Park is a sequentially preferable site, it is not clear whether the site is suitable or available. Although the site is smaller than that indicated by the Retail Statement (0.3 ha compared to 0.4-0.5ha), it may be possible to reduce the number of parking spaces provided due to the town centre location (as parking is provided elsewhere and the site is highly accessible by public transport). It is understood that the site has not yet been marketed for alternative purposes although permission has been granted to use land nearby as a car park. Work on a masterplan has not progressed sufficiently far enough to enable the site to be considered as available. Given this, the site is not considered to be available in terms of the sequential assessment.

In conclusion, it is not considered that there are any suitable or available in or edge of centre sites which are alternatives to the proposal.

## 2. Impact Assessment

### Need

As noted in the Retail Impact Assessment, it is accepted that there is not a specific requirement to demonstrate 'need' for retail proposals under the NPPF. However, 'need' does form an important part of assessing the identified catchment and understanding the potential impact of the proposal.

Need in this case means both quantitative and qualitative 'need'. Quantitative need relates to the available expenditure within the catchment compared to the turnover of the existing stores. Turnover can be either a theoretical 'benchmark' based on store size or an 'assessment' based on research of shopping patterns in the area. Where the turnover of the existing stores is less than the spending capacity of the catchment there can be said to be a quantitative 'need' for the proposal. Qualitative need relates to the shopping experience such as where the assessment shows existing stores are trading at levels in excess of the 'benchmark' to a degree that the shopping experience is compromised. Qualitative need also relates to the choice and competition available to the customer.

The table below sets out the information provided by the applicant on convenience expenditure and turnover. Total convenience expenditure is calculated by applying a per head expenditure figure to the population of the catchment. This per head figure takes into account special forms of trading such as spending on the internet or in markets. The applicant has assumed that only 60% of the expenditure figure will be retained in the

catchment and therefore available to be spent on stores within the catchment. While this figure is considered to be low given the existing stores within the catchment, it does provide a robust assessment as a higher percentage would increase the money available within the catchment

	<b>2013</b>	<b>2018</b>
Total convenience expenditure	107.4 million pounds	108.2 million pounds
Convenience expenditure retained within Catchment	64.4 million pounds	64.9 million pounds
Existing Stores Benchmark (inc. out of centre)	150.8 million pounds	187.1 million pounds

This table shows there is no evidence of need within the catchment in quantitative terms; the existing stores are sufficient to meet the identified spending capacity of the catchment of both that expenditure retained within the catchment and also the total expenditure. As the assessment is based on the stores benchmark, there is no evidence that existing stores are overtrading.

Given the nature of the proposal (i.e. a 'deep discount' store) there will be a degree of need in terms of increasing consumer choice and competition as there is not an existing similar store. It is noted that Iceland and Fultons Food in Arnold, and Farmfoods in Mapperley Plains, can be considered as discount retailers, although these focus on frozen food and do not offer the broader range of goods as in the current proposal.

#### Impact on centres

As discussed above, one of the key considerations is the impact the proposal will have on the vitality and viability of the centres within its catchment in terms of the impact on the turnover of the existing in centre stores and the impact on investment in centres. Out of centre stores, such as Sainsbury's or the potential store at the White Hart site, are not offered any protection by the NPPF or by policies in the RLP or RSS. Any adverse impact on them should be given limited weight.

Impact should be assessed based on the 'like-affects-like' basis. This means that similar stores will compete against each other. The proposed store would operate as a 'weekly convenience store' and will therefore compete with the other weekly convenience stores in the area. While the proposal will include a small element of comparison goods this is by way of 'special purchases' on a 'when it's gone, it's gone' basis with no consistency in the type of goods for sale. Given this, it is not considered that there will be a significant adverse impact on nearby town centres in terms of comparison goods.

The table below shows the benchmark convenience turnover of the existing in-centre stores within the catchment of the proposal in 2018 (i.e. five years after opening). This includes spending which derives from outside the catchment and also identifies the impact of commitments (sites with planning permission for retail which are not yet operating).

		<b>2018</b>
<b>Existing in centre convenience store turnover</b>		64.9 million pounds
Impact of commitments	Turnover	1.69 million pounds
	Percentage	2.60%
Impact of Proposal	Turnover	1.5 million pounds
	Percentage	2.31%
Total Impact	Turnover	3.2 million pounds
	Percentage	4.9%

The table shows that the commitments and proposals will draw away around 3.2 million pounds of spending from the three centres considered (Arnold, Sherwood and Mapperley Plains). As the proposal is considered to be a 'weekly food store' and will therefore compete with similar destinations, the majority of this will be drawn away from the Asda store in Arnold Town Centre.

The spending reduction from the proposal of 2.31% is against 'benchmark' and not the actual level that the store trades at. If the stores considered are 'overtrading', this impact is likely to be easily absorbed. If the stores considered are 'undertrading' (i.e. their turnover is below benchmark) the additional impact may tip the balance and the store may close. The applicant has not submitted research into the actual turnovers of the stores and therefore it is not possible to be certain about the degree to which the stores are over or under trading. It is considered that the stores which will bear the main impact of the proposal (Asda and Sainsbury's, although the latter is out of centre) are likely to be overtrading and will therefore be able to absorb the loss of trade.

In conclusion, there is not likely to be a significant impact on the vitality and viability of the town centre or on in-centre investment. While there may be an impact on stores or investment out of centre, notably the White Hart site, these are not afforded any protection by the Development Plan or the NPPF and should be given limited weight.

#### Other Material Considerations:

As noted above, the NPPF requires that "significant weight should be placed on the need to support economic growth through the planning system". It is understood that the proposal will deliver 10 full-time and 7 part time jobs.

The site is prominent being on a major route into and out of Nottingham and has been vacant since the previous buildings were demolished in 2008. It is understood that the site has some contamination issues related to the previous use as a laundry. The proposed development would bring the site back into use and enable the redevelopment of the remainder of the site for other purposes.

While the site currently has planning permission for residential development and is included in the supply of sites required to deliver the housing target identified in the Aligned Core Strategy, this is not a reason for refusal. There is no evidence to suggest

that, if permission were refused for the proposed retail store, dwellings would be developed on site. In determining this application consideration must be given to whether the proposal is acceptable against the development plan.

#### Conclusion:

In conclusion, it is considered that the applicant has demonstrated that there is no suitable or available site within or on the edge of a town centre and that the proposal would not be likely to have a significant impact on the vitality or viability of a town centre or on investment in a centre. Additionally, the redevelopment of the site and the economic benefits that would result from the proposal should be given significant weight in the decision.

As such, there is no objection to the proposed development on retail planning policy grounds, as the proposed development would accord with Sections 1 and 2 of the NPPF, Policy S11 of the RLP and Policy 6 of the ACSSD.

#### Highway Safety Considerations

The relevant planning policies that need to be considered in relation to highway safety are set out in Policies ENV1 and T10 of the RLP.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development if it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated and that development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

Policy T10 of the RLP refers to highway design and parking guidelines and states, amongst other things, that developers will not be required to provide more parking spaces than they consider necessary unless failure to provide enough off-street parking would harm road safety or prejudice the flow and management of traffic on nearby streets. In addition, Policy T10 requires that special attention will be paid to providing parking spaces reserved for disabled people in all non-residential development.

Although the Highway Authority remains concerned with regard to the impact which the proposed development would have on the inadequate signal controlled junction on the A60 Mansfield Road, I note that it considers that some form of re-development would be acceptable, given the previous laundry use of the site and the extant permission for residential development.

Furthermore, I note that alterations to the phasing of the existing signals to assist with right turning into the site have been agreed with the applicant's transport consultant and that the Highway Authority has no objections to the proposals, subject to the imposition of various conditions to secure the implementation of these works.

I also note that the Highway Authority has no objection to the proposed parking arrangements, bearing in mind the location of the development and the surrounding infrastructure and public transport provision.

It is considered, therefore, that the proposed development would provide access, parking and turning arrangements in accordance with Policies ENV1 and T10 of the RLP.



## Contamination Considerations

The relevant planning policies that need to be considered in relation to pollution are set out in Policy ENV3 of the RLP and Section 11 of the NPPF.

Policy ENV3 of the RLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built, on or adjoining the site.

Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.

Whilst both Public Protection and the Environment Agency have drawn attention to a number of deficiencies or omissions in the investigation and assessment work undertaken to date, I note that they are satisfied that these issues can be satisfactorily dealt with by the imposition of appropriate conditions.

I also note that Public Protection is satisfied with regard to the affect the proposals would have on air quality by 2017 and that no further works are required with regard to air quality and this development.

It is considered, therefore, that the proposed development would accord with Policy ENV3 of the RLP and Section 11 of the NPPF.

## Local Heritage & Design Considerations

The relevant planning policies that need to be considered in relation to local heritage and design are set out in Policies ENV1 and ENV21 of the RLP, Policies 10 and 11 of the ACSSD and Sections 7 and 12 of the NPPF.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials.

Policy ENV21 of the RLP states that planning permission will not be granted for development which would adversely affect the setting of a Listed Building.

Policy 10 of the ACSSD requires all new development to be designed to a high standard and to reinforce valued local characteristics and sets out in detail how this should be assessed. The most relevant design elements in this instance include the site layout, surrounding street pattern and the setting of heritage assets.

Policy 11 of the ACSSD states, amongst other things, that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and enhanced in line with their interest and significance.

Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, over the lifetime

of the development, and are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 126 of the NPPF states, amongst other things, that local planning authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness and opportunities to draw on the contribution made by the historic environment to the character of a place.

Whilst I appreciate the comments of the Urban Design Consultant that any development of this site requires a landmark building with a vertical emphasis set forward of the site with a strong visual relationship with Mansfield Road, similar to those found elsewhere in the vicinity, and should respect the memory of the former Daybrook Laundry, I consider that the local heritage assets have been carefully assessed in the Heritage Assessment and Statement (HAS) which accompanies the application.

The HAS concludes, in summary, that the nature of the area around the application site has gone from industrial vibrancy to post-industrial neutrality, and the change in character has been marked. Spatial relationships between buildings, operational hinterland related to their use and the public realm have been altered dramatically, with the latter now dominating the street scene.

In this respect, I am mindful that the former Daybrook Laundry building was set back off the road frontage and that there was previously no building of any scale on the site frontage. As such, I must concur with the view expressed in the HAS that the development of a landmark building in this location would introduce a relationship between the site and the former Home Brewery offices building that never existed.

Furthermore, the previous scheme for residential development would have involved new built development up to the site frontage and, in such circumstances, it was, and still would be, appropriate to take advantage of the opportunity for a landmark building on the site frontage. However, the current proposal is of an entirely different nature and does not lend itself to such a development. It should also be recognised that the introduction of a new building on the site frontage, however well designed, could potentially affect the setting of the listed building adversely.

As the HAS states, depending on one's point of view, the regeneration of the former Home Brewery site has opened up the finer qualities of the listed buildings in the vicinity to a more general view or has created an entirely neutral modern sub-urban landscape in which the buildings sit rather uncomfortably.

I am satisfied that the proposed development will not adversely affect the setting of the listed former Home Brewery offices, as it would only be viewed in relation to the listed building on part of the approach from Sir John Robinson Way and that this would be mitigated by the distance the proposed food store would be set back within the site and the proposed landscaping.

I am also satisfied that the distance of the site from other listed buildings in the vicinity would ensure that it would not adversely affect the setting of these.

In my opinion, the linear design of the proposed food store does reflect to some extent the design of the former Daybrook Laundry building and I am satisfied that the proposed scheme would function well on this site, which is in need of regeneration.

I consider, therefore, that the proposed development would not adversely affect the setting of a listed building or area in general by reason of its scale, bulk, form, layout or materials. As such, it would accord with the aims of Policies ENV1 and ENV21 of the RLP, Policies 10 and 11 of the ACSSD and Sections 7 and 12 of the NPPF.

### Arboricultural Considerations

The relevant planning policy that needs to be considered in relation to the protected tree within the site is set out in Policy ENV47 of the RLP.

Policy ENV47 states, amongst other things, that development will not be permitted if it would damage or destroy one or more trees protected by a Tree Preservation Order unless it would result in development which outweighs the amenity value of the protected trees or would not have a seriously detrimental effect on the visual amenity of the area.

Whilst I appreciate the comments of the County Council in this respect, I am satisfied that the removal of the protected lime tree is required to facilitate the proposed development and that this outweighs the amenity value of the tree.

I am also satisfied that the loss of this tree will not have a detrimental impact effect on the visual amenity of the area, as this will be mitigated by the proposed planting of 18 new trees as part of the proposed landscaping scheme.

I consider, therefore, that the proposed development would accord with Policy ENV47 of the RLP.

### Ecological Considerations

The relevant planning policies which need to be considered in relation to ecological matters are set out in Policy 17 of the ACSSD and Section 11 of the NPPF.

Policy 17 of the ACSSD seeks to ensure that new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate.

Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments.

The presence of a protected species is a material planning consideration and I note that an Extended Phase 1 Habitat Survey has been undertaken which found no evidence of protected species on the site.

I note the comments of the Nottinghamshire Wildlife Trust with regards to bats and birds and consider it would be appropriate to attach conditions to any permission to require further survey work, if necessary, and to draw attention to the Trust's other comments, including biodiversity enhancement, by means of an informative note.

Subject to this, I am satisfied that the proposed development would conserve and enhance biodiversity in accordance with the aims of Policy 17 of the ACSSD and paragraph 118 of the NPPF.

### Amenity Considerations

The relevant planning policies that need to be considered in relation to residential amenity are set out in Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section 11 of the NPPF.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of

activities on the site or the level of traffic generated. This is reflected more broadly in Policy 10 of the ACSSD.

Policy 10 of the ACSSD states, amongst other things, that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents and occupiers.

Paragraph 123 of the NPPF states, amongst other things, that planning decisions should aim to avoid any adverse noise impacts as a result of new development

Whilst there would be an increased amount of traffic activity generated in the area, this would be primarily on Mansfield Road, where there are few residential properties in the immediate vicinity. I am satisfied, therefore, that the proposed use would not have any significant adverse impact on nearby properties due to the level of activities on the site or the level of traffic generated. For the same reason, I do not consider that the proposed development would give rise to any adverse noise impacts.

I do not consider that there would be any adverse loss of amenity to the nearest residential properties on Browning Close or Byron Street, in terms of overlooking, overshadowing or overbearing issues, given the distance of the proposed food store from these and its location and level within the site.

In my opinion, the proposed development would not have an unduly detrimental impact on the amenity of nearby residents in accordance with the aims of Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section 11 of the NPPF.

### Sustainability Considerations

The relevant planning policies that need to be considered in relation to sustainability are set out in Policy ENV1 of the RLP, Policies 1 and 10 of the ACSSD and Section 10 of the NPPF.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it incorporates best practice in the protection and management of water resources.

Policy 1 of the ACSSD requires all development proposals to deliver high levels of sustainability in order to mitigate against and adapt to climate change and to contribute to national and local targets on reducing carbon emissions and energy use and sets out how this should be achieved.

Policy 1 goes on to state, with regard to Sustainable Drainage, that all new development should incorporate measures to reduce surface water run-off, and the implementation of Sustainable Urban Drainage Systems into all new development will be sought, unless it can be demonstrated that such measures are not viable or technically feasible.

Policy 10 of the ACSSD requires all new development to be designed to be adaptable to meet evolving demands and the effects of climate change and reflect the need to reduce the dominance of motor vehicles and to perform highly when assessed against best practice guidance and standards for sustainability.

Section 10 of the NPPF states, amongst other things, that local planning authorities should plan for new development in locations which reduce greenhouse gas emissions, take account of water supply considerations and ensure that flood risk is not increased elsewhere.

In this respect, the proposed food store is located on a primary travel route, which is served by well established public transport routes and pedestrian routes. The Design and

Access Statement states that deliveries to the proposed food store would be integrated into the existing patterns of daily deliveries, to ensure fresh produce is always available and that any waste produced is collected and returned to the distribution warehouse for recycling, which ensures delivery vehicles are used gainfully at all times.

The applicants regional distribution centres have been set up across the UK to supply 60-70 stores only, which minimises the amount of road travel, meaning a lower carbon footprint compared with other supermarket retailers. I am also mindful that the proposed development would result in a reduction in travel miles to other discount stores outside the local area, with a consequential reduction in greenhouse gas emissions and the carbon footprint of existing food stores.

The proposed food store has been designed so as only to enclose the space required for its operation, which limits the embodied energy of the materials being used in construction and reduces the surface area of the envelope, which in turn reduces the volume of space requiring heating, cooling and ventilation. Heating demand has been reduced to the extent that heat recovery from the refrigeration units used to operate the chillers and freezers is capable of providing sufficient heat to adequately maintain the desired internal temperatures. Low energy lighting would be used throughout, with ceiling heights determined to most efficiently maximise its operation. Lighting to the proposed car park and building would use energy efficient LED lamps.

Surface water from the site would pass into a storm water collection system within the site.

It is considered, therefore, that the proposed development would possess sustainable features, which would accord with the relevant aims of Policy ENV1 of the RLP, Policies 1 and 10 of the ACSSD and Section 10 of the NPPF.

### Other Issues

With regard to other issues raised, I would comment as follows:

- Application is for an out of centre retail proposal

The applicant has undertaken a sequential assessment which shows that there are no sequentially better sites that are suitable, available or achievable.

- Affect viability of a committed site in the area

The committed site referred to is not within an identified town centre and is therefore not protected under the NPPF. The applicant has undertaken an Impact Assessment which shows that the two stores can operate alongside each other without causing a significant adverse impact on the vitality and viability of nearby centres. There is no requirement in the NPPF for the applicant to consider the impact on other out of centre stores/proposals.

- Use of land in the SHLAA/lead to further loss of Green Belt

The role of the planning application process is to assess whether a proposal is acceptable in planning terms when considered against the development plan. The site is not protected for residential use in the adopted RLP or the ACSSD, although there is an extant planning permission for 100 homes. It is considered that both residential use and the current proposal for retail use are acceptable in planning terms. There is no opportunity to compare the merits of this proposal against a previous planning permission. It is for the developer to decide which use is to be brought forward.

□ Development of remaining land

Whilst not part of the current application, the Design and Access Statement details a potential residential scheme on the remainder of the site. Due to the prevailing ground levels and the need to provide level access to the proposed food store and car park, it has been necessary to split the site levels, but I am satisfied that an acceptable form of residential development could be achieved, if this is the preferred form of development on the remaining land, which would be served by the proposed access for the food store.

### Conclusion

The planning considerations set out and discussed above indicate that the proposed development would accord with the relevant national and local planning policies.

As the proposed development would have a floor space of less than 2,500 square metres, it will not be necessary to refer the application to the Secretary of State for Communities and Local Government under the Town and Country Planning (Consultation) (England) Direction 2009, should Members be minded to accept my recommendation.

### **Recommendation: GRANT PLANNING PERMISSION subject to the following conditions:**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be constructed in accordance with the following approved plans: Proposed Site Plan (W10A03-P003), Proposed Drainage Plan (W10A03-P004), Proposed Landscaping Plan (W10A03-P005), Proposed Floor Plan (W10A03-P200) and Proposed Elevations (W10A03-P201), deposited on 26th November 2012 and Section Through Site (W10A03-P300 Rev A), received on 27th March 2013.
3. Unless otherwise agreed by the Borough Council, development must not commence until the following has been complied with: Site Characterisation An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Borough Council. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Borough Council. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

4. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works under condition 3 above. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Borough Council.
5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 3 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.
6. Before development is commenced, including site preparation or any works of demolition, there shall be submitted to and approved in writing by the Borough Council a Construction Method Statement. The approved Construction Method Statement shall be adhered to throughout the construction period and shall provide for the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; and a method of traffic signal control.
7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme, including cross sections, layout and elevations, for a boundary wall between the car parking spaces fronting the spine road and the spine road, which shall be of solid construction and shall be no less than 1 metre in height at the level of the car parking spaces. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of all external lighting, including levels of illumination and a lux plot of the estimated luminance, to be provided on the proposed building or elsewhere within the site. Any security lighting/floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The external lighting shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
9. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme for the provision and implementation of surface water run-off limitation. The scheme shall not result in

an increase in the rate of surface water discharge to the local land drainage system and the drainage works shall be completed in accordance with the approved details and a timetable to be agreed as part of the scheme.

10. Before development is commenced, including site preparation, there shall be submitted to and approved in writing by the Borough Council details of a scheme for the protection of existing trees to be retained. The scheme shall be implemented in accordance with the approved details before development is commenced and shall be retained until all construction works have been completed.
11. Before development is commenced, and if there are proposals to remove any or all of the dense ivy and virginia creeper on the brick wall to the eastern boundary of the site, pre-commencement checks for the presence of roosting bats shall be undertaken and the outcome reported to the Borough Council. If any roosting bats are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council. The mitigation measures shall be implemented in accordance with the approved details before development commences.
12. No part of the development hereby permitted shall be brought into use until the spine road into the site, the signalised access road junction and the re-phasing of the existing traffic signals have been provided/implemented in accordance with the "in principle" site plan drawing number W10A03–P003.
13. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided in accordance with plan reference number W10A03–P003. The parking, turning and servicing areas shall not be used for any purpose other than the parking, turning, loading and unloading of vehicles.
14. No vegetation clearance or ground works shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences.
15. The approved landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.



1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development in accordance with the aims of Policy ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. To ensure a satisfactory development in accordance with the aims of Policy ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
5. To ensure a satisfactory development in accordance with the aims of Policy ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
6. In the interests of highway safety.
7. To prevent the glare of vehicle headlights across the public highway in the interests of highway safety.
8. To protect drivers from uncontrolled light sources near the public highway and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
9. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
10. In the interests of visual amenity in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
11. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
12. To ensure a satisfactory means of access to the site in the interests of highway safety.
13. In the interests of highway safety.
14. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
15. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

## **Reasons for Decision**

In the opinion of the Borough Council it has been demonstrated that there is no suitable or available site within or on the edge of a town centre and that the proposed development would not be likely to have a significant impact on the vitality or viability of a town centre or on investment in a centre. Additionally, the redevelopment of the site and economic benefits that would result from the proposal has been given significant weight in the decision. The proposed development would have no significant adverse impact on highway safety, local heritage, protected trees, ecology or residential amenity and would

address land contamination issues. The proposed development meets with the fundamental aims of the National Planning Policy Framework & Policies ENV1, ENV3, ENV21, ENV47, S11 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008). It also accords with the aims of Policies 6, 10, 11 and 17 of the Gedling Borough Aligned Core Strategy Submission Documents.

### **Notes to Applicant**

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

Your attention is drawn to the attached correspondence from Nottinghamshire County Council as Highway Authority, the Environment Agency, the Borough Council's Public Protection Section and the Nottinghamshire Wildlife Trust.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.