



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Planning Committee

Date: **Wednesday 4 March 2015**

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Time: **6.00 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Lyndsey Parnell**

Senior Elections and Members' Services Officer

0115 901 3910

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# Planning Committee

## Membership

**Chair**                      Councillor John Truscott

**Vice-Chair**                Councillor Barbara Miller

Councillor Pauline Allan  
Councillor Roy Allan  
Councillor Peter Barnes  
Councillor Chris Barnfather  
Councillor Denis Beeston MBE  
Councillor Alan Bexon  
Councillor John Boot  
Councillor Ged Clarke  
Councillor Bob Collis  
Councillor Andrew Ellwood  
Councillor Cheryl Hewlett  
Councillor Jenny Hollingsworth  
Councillor Mike Hope  
Councillor Meredith Lawrence  
Councillor Marje Paling  
Councillor Lynda Pearson  
Councillor Colin Powell  
Councillor Suzanne Prew-Smith

## **AGENDA**

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# Agenda Annex

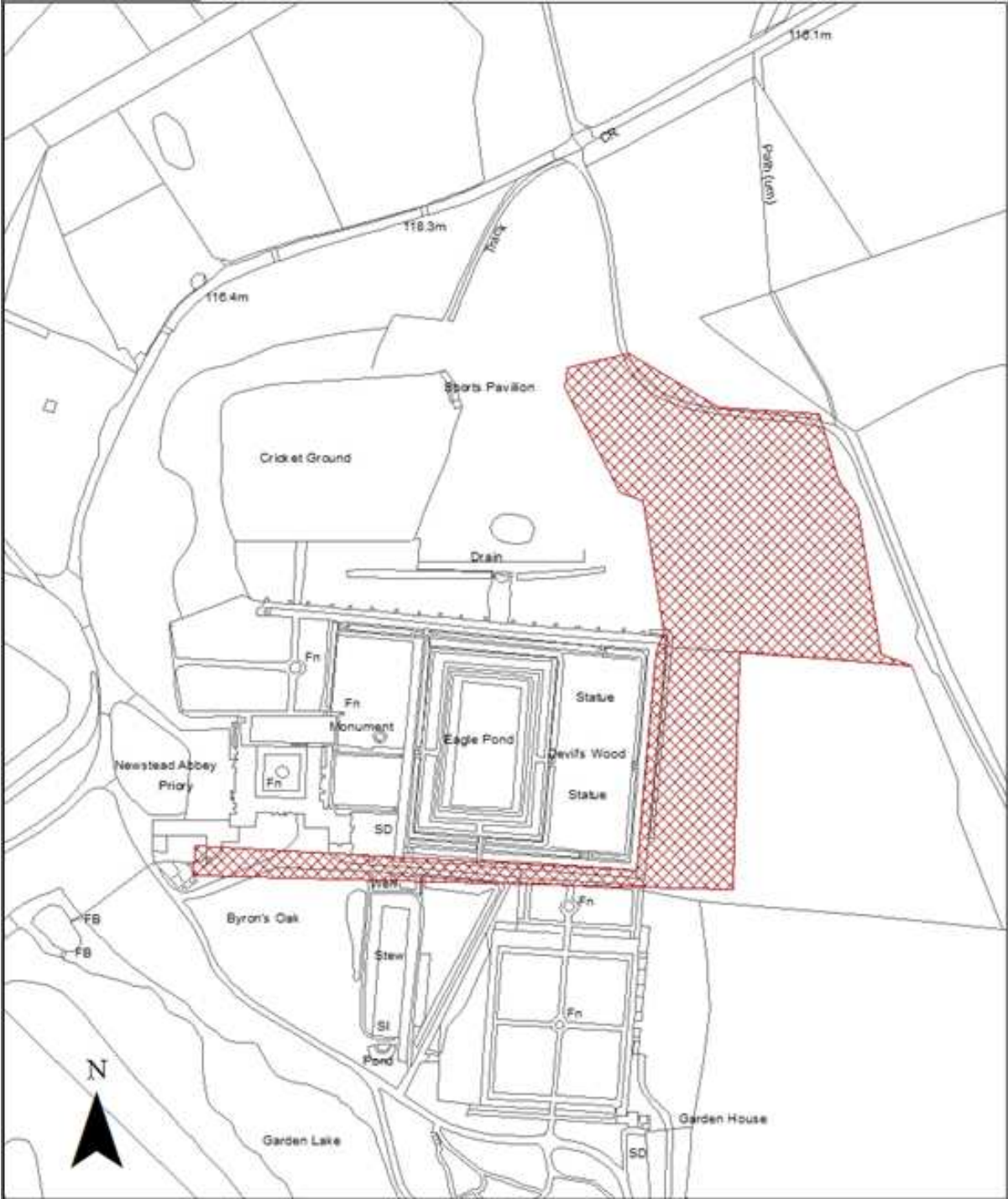
## PLANNING COMMITTEE PROTOCOL

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is a quasi-judicial body, empowered by the Borough Council to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. In terms of Councillors' role at the Planning Committee, whilst Councillors have a special duty to their ward constituents, including those who did not vote for them, their over-riding duty is to the whole borough. Therefore, whilst it is acceptable to approach Councillors before the meeting, no opinion will be given, as this would compromise their ability to consider the application at the meeting itself. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Members may also request that their votes are recorded.
4. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
5. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. A maximum of 3 minutes per speaker is allowed, so where more than 1 person wishes to address the meeting, all parties with a common interest should normally agree who should represent them. No additional material or photographs will be allowed to be presented to the committee.
6. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chairman will bring the meeting to order. In exceptional circumstances the Chairman can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
7. After Councillors have debated the application, a vote will be taken. If Councillors wish to take a decision contrary to Officer recommendation, a motion to do so will be moved, seconded and voted upon. Where the decision is to refuse permission contrary to Officer recommendation, the motion will include reasons for refusal which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. The Chairman may wish to adjourn the meeting for a short time for Officers to assist in drafting the reasons for refusal. The Chairman may move that the vote be recorded.
8. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

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**Application Number:** 2014/1109  
**Location:** Land Adjacent Newstead Abbey Newstead Abbey Park Station Avenue Newstead



**NOTE:**  
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026  
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## **Report to Planning Committee**

<b>Application Number:</b>	2014/1109
<b>Location:</b>	Land Adjacent Newstead Abbey Newstead Abbey Park Station Avenue Newstead
<b>Proposal:</b>	Formation of six glamping cabins and supporting ancillary accommodation, within the existing context of the site.
<b>Applicant:</b>	Mr Nigel Hawkins
<b>Agent:</b>	Mr Chris Perkins
<b>Case Officer:</b>	David Gray

### **Joint Report with 2014/1110 – Application for Listed Building Consent**

#### **Site Description**

The application site relates to an area of self-seeded woodland to the east and northeast of Newstead Abbey. Newstead Abbey is a Grade I listed country house converted from the remains of an Augustinian Priory c.1539. The buildings and structures are situated within the Grade II\* Registered Historic Park and Garden. The formal gardens, including the lakes, are generally open in character while the deer park, particularly to the east of the Abbey is now extensively wooded. The proposal is on a site located approximately 250 metres due east and northeast of the Abbey buildings. The site incorporates an open field, originally known as Hall Lawn, directly abutting the eastern boundary wall to the formal gardens known as The Great Garden, and a slightly higher area of wooded parkland immediately to its north. The application site is located within the Green Belt, Historic Park and Garden, Local Wildlife Site, Mature Landscape Area and also within the Sherwood Forest / Greenwood Community Forest as identified on the Proposals Map of the Replacement Local Plan (Certain Policy Saved 2014).

#### **Proposed Development**

Full Planning Permission is sought for the formation of six 'glamping cabins' and supporting ancillary accommodation within the context of the site. 'Glamping' describes camping accommodation with more facilities than associated with traditional camping.

The proposal involves the erection of 6no. glamping timber cabins and 1 glamping ancillary cabin. The proposal is to use an underused wooded site to attract a greater number of visitors and to promote an interest in the Newstead Abbey site to ensure the ongoing sustainability of the site.



The development involves 3 different types of cabin which include:

4 x 14m<sup>2</sup> Accommodation Cabins;

2 x 17m<sup>2</sup> Accommodation Cabins;

1 x ancillary Cabin accommodating – 4 toilets and 2 showers.

The accommodation cabins would have timber burning stoves installed with the flues exiting through the cone of the roof at the ridge.

The proposed cabins would be located within the existing open spaces of the woodland.

The proposed glamping cabins are to be constructed from a durable solid timber.

The proposal would incorporate 4 x bird boxes and 3 x Bat Boxes.

Vehicle movements onto the site would be restricted to load/un-load in a designated area, once unloaded car parking would be accommodated in the existing car parking facilities on the site.

A Heritage Impact Assessment, Planning Statement and Arboricultural Implications Assessment have been submitted with the application.

### **Consultations**

Newstead Parish Council – No objections. It is in the greater public interest to ensure a sustainable future for the Abbey (in order to maintain its role as one of the premier tourist attractions in Nottingham) and which therefore outweighs any possible harm that may be caused to the environment / heritage of the Abbey.

Nottinghamshire County Council (Highways Authority) – The proposed cabins are located within Newstead Abbey grounds which is private and not in the control of the Highway Authority. As such there are no highway concerns to the proposal.

Nottinghamshire County Council (Landscape) – No comments received.

Nottingham Building Preservation Trust – No comments received

Severn Trent Water – No objections or comments to make.

Wildlife Trust – The Wildlife Trust request that the advice given in Section 5 and 6 of the protected species survey report are followed: -

Lighting associated with the development to be of low intensity and directed away from the boundary habitats.

Vegetation should be cleared outside of the bird breeding season between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive.

Best practise should be followed during construction to avoid harm to badgers.

Birds and/or bat boxes to be installed to enhance ecological interest of the

site.

English Heritage – The proposal will result in a degree of harm to the significance of the highly graded designated heritage assets and that clear and convincing justification is required for the proposal. It is strongly recommended that the application is not treated in isolation in the context of existing and future proposals for the site, and that the impact of the proposal on the sustainability of the heritage assets is robustly considered.

Notwithstanding that camping takes place on the site already we are concerned by the more permanent nature of the proposed use, the intensification of the site and alteration to its character.

It is advised the proposal will result in a degree of harm to heritage significance and whilst this can be assessed as less than substantial harm, it is nonetheless harmful.

Recommendation:

Advise the proposed works will result in a degree of harm to the significance of designated heritage assets. It will be for the Local Authority to determine whether a robust justification has been submitted for works and the public benefit clearly demonstrated to outweigh the degree of harm. In determining this application, it is strongly recommended the impact of this proposal is clearly understood in relation to the wider context and sustainability of the site.

Arboricultural Officer – I am satisfied that the application if carried out in accordance with the supplied Amber Tree Services report will not have an adverse effect on the trees in question.

The following note to applicant is advised:

It is essential that the trees are regularly inspected to ensure that any trees within falling distances of used facilities i.e. paths, car parks, stores, plays areas, paths and the structures themselves are free from defects likely to cause harm or damage to site users and their property.

Neighbouring Properties were notified and a Site Notice and Press Notice posted and 5 letters of representation and 2 duplicates were received as a result. The comments can be outlined as follows: -

- The glamping development would be detrimental to the Abbey as a historical monument;
- The presence of a full time campsite would lead to greater security problems for the estate and lead to reduced property values for the residents;
- The application should be refused otherwise it would set a precedent for other landowners;
- The development would result in an increase in noise nuisance;
- The management of the site is untenable by the changing of the codes for the security gates all the time;
- The proposals would be out of keeping with the Grade 1 Abbey and the

Registered Park and Gardens;  
There are restrictive covenants that restrict development of this nature at Newstead Abbey Park;  
The high volume of specialist events has caused disrepair to the shared driveway;  
The permanent nature of the campsite would result in increased noise, security litter, and vandalism;  
The people using the facility would invite other guests to the site increasing the noise and activity and increasing security issues;  
There would be light pollution from the proposed development;  
The planning application would be a breach of the existing covenants on site;  
Concerns raised over the potential cumulative impact of further glamping development should planning permission be forthcoming.

### **Assessment of Application and Planning Considerations**

The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and additional information provided in the National Planning Practise Guidance (NPPG).

Gedling Borough Council adopted the Gedling Borough Council Aligned Core Strategy (GBACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan (GBRLP) referred to in Appendix E of the GBACS. The GBACS is subject to a legal challenge under section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts. The challenge to the GBACS is a material consideration and must be taken into account. The decision maker should decide what weight is to be given to the GBACS. Given that the Policies of the GRLP reflect the guidance of the NPPF considerable weight has been given to these in this instance.

The following paragraphs of the NPPF are of relevance to the principle of this application: -

1. Building a strong, competitive economy (paragraphs 18 – 22);
3. Supporting a prosperous rural economy (paragraph 28);
9. Protecting Green Belts (paragraphs 80 – 92);
11. Conserving and enhancing the natural environment (paragraphs 109 – 125)
12. Conserving and enhancing the historic environment (paragraphs 126 – 141).

The following policies of the Gedling Borough Aligned Core Strategy (September 2014) are also relevant: -

- Policy 3: Green Belt;
- Policy 10: Design and Enhancing Local Identity;
- Policy 11: The Historic Environment;
- Policy 13: Culture, Tourism and Sport;
- Policy 17: Biodiversity.

The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) are also relevant: -

- ENV1 (Development Criteria);
- ENV21 (Setting of Listed Building);
- ENV25 (Registered Historic Parks and Gardens);
- ENV36 (Local Nature Conservation Designations);
- ENV37 (Mature Landscape Areas);
- ENV42 (Aquifer Protection);
- R7 (Sherwood Community Forest / Greenwood Community Forest);
- R8 (Tourist Accommodation).

The main planning considerations in the determination of this application relate to: -

- The Public Benefit of the Scheme
- Green Belt
- Cultural Heritage
- Local Landscape
- Local Residents (Amenity)
- Highway Safety
- Other Considerations

### **The Public Benefit**

At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 28 addressing development in rural areas. There is a strong emphasis on the need to assist economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This incorporates the need to support sustainable rural tourism and leisure developments.

Policy R8 of the Replacement Local Plan states tourist related accommodation should be concentrated in built up areas and larger villages. Outside these areas tourist accommodation should be where: -

- a. it involves the re-use and adaption of an existing building;
- b. it accords with Green Belt policy; and
- c. it would not be seriously detrimental to residential amenity in nearby property.

Policy R7 refers to leisure uses within the Sherwood Forest Plan area and the Greenwood Community Forest. The Policy states that planning permission can be granted for leisure uses provided that: -

- a. on sites outside urban areas and villages proposals should accord with Green Belt Policy;
- b. it does not cause traffic, or parking problems which would harm the character of the countryside;
- c. it would not adversely affect the ecology or environment of sites of nature conservation value or archaeological or historic importance;
- d. it preserves the best and most versatile agricultural land; and

- e. access is available by a choice means of transport.

Newstead Abbey Park and Gardens was founded as a monastic house in the late C12 and was home to poet Lord Byron (1808 – 1814). The site covers over 300 acres of woodland and paths that meander past lakes, ponds and waterfalls. Newstead Abbey and the adjoining boundary walls are all Grade 1 Listed Buildings and the surrounding Newstead Abbey Park is registered Grade 11\*. The site is all in the ownership of Nottingham City Council primarily as a tourist attraction. A number of proposals have been looked into to ensure the long term future of the tourist attraction.

Newstead Abbey Park and Gardens is one of Nottinghamshire's primary tourist locations and not only attracts visitors for a variety of special events and exhibitions, but is used for outdoor activities such as walking, cycling, camping and major events.

I also note that Newstead Abbey is on English Heritage's *Heritage at Risk Register* with the condition of the stonework on the ruined west end of the Abbey recognised as suffering from slow decay and requiring repair. The diversification of the income would help maintain the future integrity of the Heritage Asset.

A business case has been put forward by the applicant outlining the need to secure investment in infrastructure to enable the future and ongoing development at the site and to ensure that the number of visitors and revenue is increased to support the tourist asset. The proposed scheme would support an ongoing sustainable business to promote the Abbey Park and Gardens, with increased access and all year round revenue streams. A modest scheme for Glamping is proposed to broaden Newstead Abbey's customer base to encourage more visitors and families with the aim of keeping more people on site for longer thereby increasing revenue potential whilst not detracting from the heritage of the site.

The proposal would seek to support an existing tourist destination and would conform to the advice of paragraph 28 of the NPPF assisting economic growth in a rural location whilst offering increased access to an existing tourist attraction. It is my opinion significant weight should be attached to the benefits of giving increased access to members of the public to a popular tourist destination. In this regard, it is considered that the proposal has the potential to contribute positively to the rural economy and the future maintenance of a Heritage Asset.

It is considered that the principle of the proposal is accepted and supported; however, its acceptability rests in parts on the detailed consideration in particular to the impact on the Green Belt, the Listed Building and Registered Parks and Gardens, on Nature Conservation, on the character and appearance of the site and on the residential amenities of neighbouring properties.

### **Green Belt**

Section 9 of the NPPF relates to 'Protecting Green Belt Land'. It outlines that as with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 81 of the NPPF states inter-alia: 'local planning authorities should plan positively to enhance the beneficial use of Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'

Paragraph 88 states inter-alia:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

Paragraph 89 states inter-alia:

'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt' Exceptions to this include 'the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.'

I note that the area of land that forms the application site is currently used for ad hoc camping and caravanning events on various occasions during the year utilising the General Permitted Development Order (GDPO) - Part 4 Temporary Uses legislation, which allows for the temporary use of the site for events on Paradise Field. I also note that there is an area that is run by the Caravan Club using GDPO - Part 5 permitted development.

Whilst I note that camping and caravanning already occurs on the site, the permanent use of the site for glamping would materially change the use of the application site. Given the nature of the development, the use class for 'glamping' would be Sui Generis.

The proposed development would provide appropriate facilities for outdoor sport / recreation. The erection of 6 'Glamping Cabins' and the ancillary block can be considered an appropriate form of development in the Green Belt as long as it would preserve the openness of the Green Belt and does not conflict with including land within it. The proposed cabins would all be sited within existing open spaces (glades) within self-seeded woodland to the northeast of the Devil's Wood walled garden. I note that the cabins would have modest dimensions. Given the location on existing openings within mature woodland, I consider that the adverse impact would be isolated to the immediate vicinity and would be well contained within the existing landscape and woodland. Therefore the impact on the openness would be limited to the immediate surroundings and to those using the site. Given the isolated and screened location I consider that the proposed development would only have limited impact on the openness of the Green Belt in this location and would also only cause a limited degree of encroachment. The limited impact of the change of use and the glamping cabins on the openness of the Green Belt and Encroachment needs to be balanced against the public benefits of the proposal discussed in section 5.0. I consider that on

the scale proposed, on balance, the limited impact on the openness and encroachment of the Green Belt in this location is outweighed by the public benefit the development. I therefore consider there to be 'very special circumstances' to justify the proposal in this instance.

Any intensification of the use of the site for more than the glamping cabins proposed could be considered over intensification of use that could adversely impact on the Green Belt in this location. I do note that the site operates miscellaneous events that incorporate camping and caravanning. The provisions of the Town and Country Planning Act Part 4 and 5 allow for temporary uses and caravan sites respectively. In order to successfully manage the site I would suggest attaching a condition to any approval restricting the ad hoc camping and caravanning to the provisions of the Town and Country Planning Act Part 4 and Part 5 to help preserve the openness of the Green Belt and to restrict the all year round glamping to the 6 units proposed. Part 4 – Class B allows for the use of land for any purpose for not more than 28 days in total in any calendar year or 14 days depending on the events. Part 5 Class A and B allows for the use of land as a caravan site subject to a site license.

### **Cultural Heritage**

Legislation regarding buildings and areas of special architectural or historic interest is contained in the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF and RLP Policy ENV21.

Paragraphs 132 and 133 of the National Planning Policy Framework advise that: -

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade 11 listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, should be wholly exceptional.

Where a proposed development will lead to substantial harm to the loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that the harm or loss.'

Section 66 of the 1990 Act requires that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any other features of special architectural interest which it possesses.

Paragraph 134 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

Given the location of the development, contained within a mature self-seeded woodland I am satisfied that the proposed glamping cabins would be sited in a sensitive location with minimal impact on the Listed Building and the Gardens limited to the immediate surroundings.

The most significant heritage asset affected by this development would be to the rear wall of Devil's Wood walled garden. The setting comprises the rear elevation wall facing into Paradise Field. The proposal would incorporate a facilities unit comprising of wash facilities and WC which would back onto the rear wall. The unit has been carefully designed with a ridge height lower than the height of the wall; this effectively would mean that the proposed unit would only be visible from outside of the curtilage of the walled gardens of Newstead Abbey. The development would also not be visible from Newstead Abbey and its gardens, as it would be obscured locally by the perimeter of the walled garden. Therefore the impact on the setting is limited to views across Paradise Field as you leave the wooded areas to the northeast. It is my opinion that this impact would be less than substantial and would need to be weighed against the public benefit of the proposals.

I note the comments from English Heritage which conclude that they are able to identify a harmful impact to the Heritage assets which they also commensurate as less than substantial.

In accordance with the NPPF the less than substantial harm to the setting of the Listed Building and Registered Park and Garden needs to be weighed against the public benefit of the proposal. I consider that significant weight should be given to sustainable development in a rural setting which gives access to tourism and leisure facilities. I therefore consider that the economic development to diversify the rural economy would outweigh the less than substantial harm to the heritage assets discussed above.

Should planning permission be forthcoming a condition would be attached to any approval requiring the precise details of the external meter cubicle to be sited behind the Glamping Cabin WC.

This application should be read in conjunction with the application for Listed Building Consent. Should Listed Building Consent be forthcoming a condition would be attached to any permission requiring written specification of the surfacing and ground condition of the route proposed for the services along with a method statement for the works proposed in order to ensure that any works through the listed gardens do not impact on the historic fabric of the gardens.

### **Local Landscape**

The site is located within a Mature Landscape Area. Policy ENV37 of the Replacement Local Plan states where development is permitted, proposals would be required to minimise the harm to the area. Policy 10 of the Core Strategy states that



new development should protect, conserve or enhance landscape character in line with the Landscape Character Assessment. The site is located within the Policy Zone S PZ 44 Newstead Abbey Wooded Estatelands as identified in the Greater Nottingham Landscape Character Assessment. The landscape condition is defined as 'very good' and the landscape sensitivity area is 'high'. The overall landscape strategy is 'conserve' and for the built features it is recommended to:

- Conserve the character and architectural style of the historic abbey and priory buildings and its parkland and gardens and ensure this is respected in any new development.
- Locate any new small scale development to the east of the site in the more wooded area where it is well screened.

I note that the development is dependent on the small openings in the self-seeded woodland in which the cabins would be sited. The small openings in the woodland would provide substantial screening of the site from external receptor points given the mature surrounding woodland. I do note that historically the application site would have been open and would have been visible from the Abbey; however, over time the self-seeded woodland has been established which now provides a natural screen limiting the visual impact of the development to the immediate vicinity. I note that the landscape sensitivity is high and for built features it is recommended that they are sited to the east of the Abbey. I note that the proposed development would be sited to the northeast of the Abbey within existing openings of a densely wooded area which conforms to the recommendations for small scale development as identified in the Greater Nottingham Landscape Character Assessment.

It is my opinion that the proposed development has been sited to limit the visual impact to the localised area and would be substantially screened by the mature woodland in which it is sited. I therefore consider that the proposed development would have only a limited visual impact on the immediate surrounding area and would have no undue visual impact on the wider area.

### **Nature Conservation**

Paragraph 109 of the National Planning Policy Framework states the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, water or noise pollution or land instability. The site is within the Aquifer Protection Zone. Policy ENV42 of the Replacement Local Plan states that planning permission should not be granted for development which would be liable to cause contamination of the groundwater in the aquifers unless measures can be carried out as part of the development to prevent such contamination taking place.

I am satisfied, given the nature of the development that the proposed cabins would not lead to undue contamination of the Aquifers given that they are self-contained and would not give rise to any significant contamination of ground water from their use. I note that the ancillary cabin would be connected to the foul drain of Newstead Abbey and I am satisfied that this is sufficient to deal with foul waste from the unit without adversely impacting on the Aquifers.

I note the Wildlife Trust have raised no objections to the proposal subject to the recommendations of the protected species survey. I also note that during the processing of the application the agent has provided information on the location of the proposed bird and bat boxes. Should planning permission be forthcoming I would suggest attaching a condition requiring the precise details of the low level lighting to be installed and that the development should not be brought into use until the bird and bat boxes are provided in accordance with the approved details. An informative would also be attached to any approval requiring any clearance works to be done outside of the bird breeding seasons. Given the above considerations I am satisfied that there will be no significant undue impact on the nature conservation of the site.

I note the comments from the Arboricultural Officer and as such I am satisfied that there would be no undue impact on surrounding trees and vegetation. Should planning permission be forthcoming I would suggest attaching a condition requiring the development to be carried out in accordance with the submitted Amber Tree Services Report outside of the bird breeding season as recommended.

### **Local Residents (Amenity)**

Policy R8 and ENV1 of the Replacement Local Plan both state inter-alia that development should be allowed where it would not be seriously detrimental to residential amenity of nearby property.

I note the comments received from local residents with regards to security, light, noise, and litter.

The closest residential neighbour to the application site is Robin Hill which is sited approximately 240 metres to the northeast of the application site. Given the distances to the neighbouring dwelling and that the site is enclosed and contained within an established woodland, I am satisfied that the distances to neighbouring amenity are sufficient to mitigate any undue noise disturbance and light pollution from the proposed development. I am also satisfied that the application site appears self-contained and would not lead to undue trespass onto neighbouring land as the site is contained within existing openings in the woodland. Appropriate lighting proposed for the entrances of the cabins would be secured by condition.

I note the comments from neighbouring properties with regards to the potential for waste and litter. I note that the design and access statement states that all the glamping cabins would have waste facilities and recycling within the units. I also note that the site plan indicates that there would be a recycling and general waste bin enclosure adjacent to the entrance of the site with the main gate. I am satisfied that the proposed waste facilities are appropriate and proportionate to the scale and size of the proposal and that waste and litter can be successfully managed on site. Should planning permission be forthcoming I would suggest a condition requiring the precise details of the proposed bin recycling enclosure in order to secure a satisfactory design within its setting.

Newstead Abbey Park and Gardens operate a restricted gated access from the A60 and the Newstead Village entrance. The Design and Access Statement has

indicated the management plan of the site in which there would be no unrestricted access onto the site, given that people using the facilities would be issued with access codes to the gates to mitigate for this. I note that the site already operates under this system for the ad hoc camping and caravan events and I am of the opinion that given the small scale of the proposed development that the increased in numbers using the site would not result in any significant increase in security risks than are already present. The management of the security system would be further assisted by the glamping cabins only being available for short stays.

I note that the proposed cabins would be orientated to be facing away from the boundaries of the site in unobtrusive locations. I am satisfied, given the trees being retained, the existing ground cover landscaping, and the distances to neighbouring residential properties that the proposed development has been designed to eliminate views into and also out of the scheme. I am satisfied there would be no undue overlooking impact onto neighbouring amenity from the proposed development.

### **Highway Safety**

I note that the Highway Authority have raised no objections to the proposal I am therefore satisfied that there will be no undue highway safety implications as a result of the development.

I note that the management plan accounts for car access to the glamping site only for drop off and pick up. The main car parking facilities will be provided in the existing car parking areas serving the Abbey. I am satisfied that current car parking provision is adequate to accommodate the additional vehicles associated with the proposed development. Should planning permission be forthcoming I would suggest attaching a condition requiring all over night car parking to be in the designated car park with the application site only being used for drop off and pick up in the designated area to restrict the impact of cumulative off street car parking at the site.

I note the representations received with regards to the potential increase in traffic and the potential to damage the access track. Given the scale of the development and that the access would only be used for limited periods for drop off I am satisfied that the proposal would not have any significant undue impact on the quality of the access track. Further maintenance of the private drive would be a private legal matter between all interested parties and would not be in the remit of planning legislation.

### **Other Considerations**

I note the comments from neighbouring properties with regards to the potential of the development to negatively impact on value of neighbouring property; however, the value of neighbouring property is not a material consideration that I would attach significant enough weight to warrant a refusal of this application.

I note the representations received with regards to the development being contrary to restrictive covenants that are on site. Private covenants on title deeds are private legal matters that would override any planning permission and would not be material grounds for refusal of this planning application.

I note the comments with regards to a precedent being set on the site for future glamping projects and the potential for a negative cumulative impact of development. Any future proposals for glamping would be subject to a planning application and would have to be considered on their own individual merits including the cumulative impact of development. The potential for future planning applications is not a material planning consideration that would carry significant enough weight to warrant a refusal of this application.

## **Conclusions**

At the heart of the NPPF is a presumption in favour of sustainable development, for decision making purposes this means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or  
Specific policies in this framework indicate the development should be restricted.

In light of the considerations given above in relation to:

The Public Benefit  
Green Belt  
Cultural Heritage  
Local Landscape  
Nature Conservation  
Neighbouring Amenity  
Highway Safety

I consider that on balance and taking into account the public benefits that would be generated as a result of the proposal that the development would constitute sustainable development. In reaching this conclusion I have had specific regard to paragraph 134 of the NPPF which advises 'Where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the scheme proposal, including securing its optimum viable use.' Given the considerations set out in sections 5.0 to 12.0, above, I consider that it has been demonstrated that on balance the impacts of the proposal are acceptable when weighed against the public benefit of the scheme and the less than substantial harm to the significance of the heritage asset.

## **Recommendation:**

**To GRANT CONDITIONAL PLANNING PERMISSION:**

## **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 built in accordance with the submitted plans, Design and Access Statement and application forms received on 29th September 2014 drawing no's: 4393 (20) 253 (Proposed Service Location Plan), 11107/ENV/001 (Existing Drainage Layout), 4393 (20) 250 (Proposed Site Plan), 4393 (20) 252 (Site Plan), 4393 (40) 455 (Toilet Cabin Elevation), 4393 (30) 353 (WC Floor Plans and Elevations), 4393 (30) 352 (Floor Plans), 4393 (30) 351 (Floor Plans), 4393 (20) 251 (Site Plan), and 4393 (00) 001.
3. The glamping cabins hereby permitted shall be used as holiday accommodation and shall not be occupied continuously by any person or persons for a period in excess of 28 days in any one single letting. There shall be no consecutive lettings beyond four weeks to the same person, family or group and a written record of lettings shall be kept and made available for inspection by the Local Planning Authority at their reasonable request.
4. The temporary car parking for the unloading and loading of vehicles shall use the area marked on the plan received on 12th February 2015 drawing number: 4393 (20) 250 Revision E. The loading and unloading of vehicles shall operate in accordance with the email received on 12th February 2015. The loading and unloading of vehicles shall only occur between the hours of 09:00hrs and 21:00hrs and will only accommodate a maximum of 2 vehicles at any time. The maximum period to use this area shall be 1hr for each vehicle.
5. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the materials to be used on the external elevations of the proposed development. The development shall be carried out in accordance with the approved details.
6. The development hereby approved shall be carried out in accordance with the recommendations of the Arboricultural Implications Assessment and Arboricultural Method Statement, BS 5873: 2012, Dated 3 September 2014 revised 16 September 2014.
7. The proposed bird and bat boxes shall be sited in the locations as indicated on the plan received by email on 2nd February 2015 and all works shall be carried out in accordance with the recommendations of sections 5 and 6 of the Protected Species Survey dated September 2014. The bird and bat boxes shall be installed before the development is first brought into use.
8. Before development hereby permitted is commenced there shall be submitted to and approved in writing precise details of the proposed external lighting on the cabins (together with the luminance levels and an estimated lux plot of the luminance). The lighting shall be implemented in accordance with the approved details.

9. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the proposed external meter cubicle (shown on plan no: 4393 (20) 250) adjacent to the rear wall of the Glamping Cabin WC. The development shall be carried out in accordance with the approved details.
10. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the proposed bin area including the type and stain of the wooden fencing. The development shall be carried out in accordance with the approved details. The bin store shall be constructed within the parameters set out in the email dated 12th February 2015 and the plan received on 12th February 2015 drawing no: 4393 (20) 250.
11. The application site shall only be used for holiday accommodation in the 6 approved cabins and no other camping or caravanning shall be operated on the site other than the provisions permitted within The Town and Country Planning (General Permitted Development) 1995 - Part 4 and Part 5 (or any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order).

## **Reasons**

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 the use of the cabins is effectively restricted to tourist accommodation as the introduction of a permanent residential use would be contrary to paragraph 89 of the National Planning Policy Framework (March 2012).
4. To ensure that car parking serving the development is directed to the main car park serving the site. In order to protect the amenity of nearby residential properties and protect the open character of the area in line with the aims and objectives of Policy ENV1, ENV21, ENV25, ENV36 and ENV37 and the aims and objectives of the National Planning Policy Framework (March 2012).
5. To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and with the aims of policy ENV1, ENV21, ENV25, and ENV37 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To minimise the arboricultural impact of the proposed development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. To protect and enhance ecology interest in the area and to accord with paragraph 109 of the National Planning Policy Framework.

8. To protect and enhance ecology interest in the area and to accord with paragraph 109 of the National Planning Policy Framework.
9. To ensure that the proposed works do not impact on the fabric or setting of a Listed Building and Registered Garden in accordance with the aims and objectives of Policy ENV21, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation) Act 1990.
10. To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and with the aims of policy ENV1, ENV21, ENV25, and ENV37 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
11. To ensure the use of the cabins is effectively restricted to the tourist accommodation proposed and not as a permanent campsite or caravan site.

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development would result in no significant undue impact on the character and setting of a Listed Building and Registered Park and Garden, and would not have an adverse impact on the amenities of neighbouring residential properties. The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014), where appropriate. It is the opinion of the Borough Council that where the development conflicts with the Development Plan that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact to the setting of the Listed Building and Registered Park and Garden.

### **Notes to Applicant**

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).

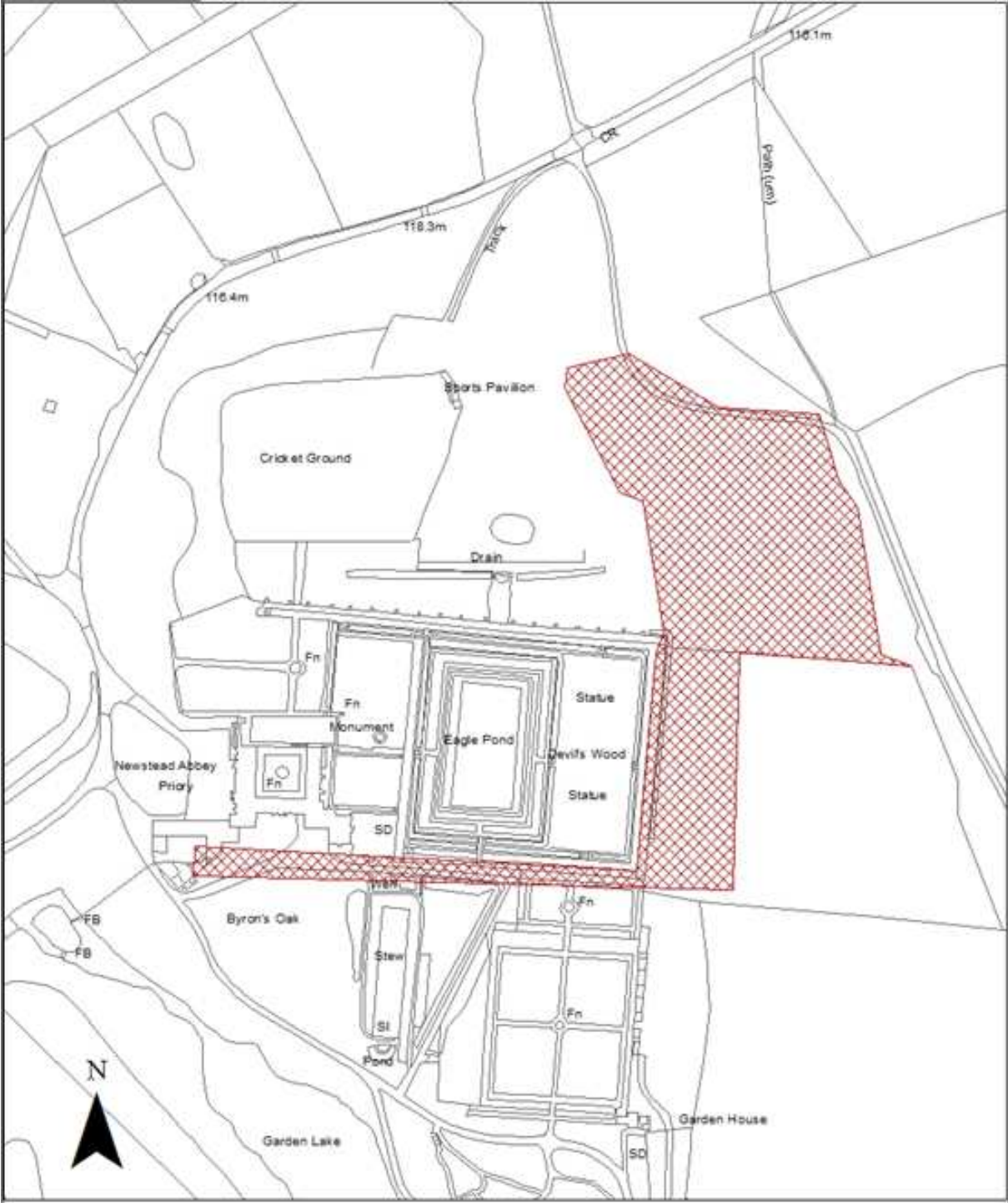
No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the applicant and agent to discuss consultation responses; providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised and providing updates on the application's progress.





**Application Number:** 2014/1110  
**Location:** Land Adjacent Newstead Abbey Newstead Abbey Park Station Avenue Newstead



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## **Report to Planning Committee**

<b>Application Number:</b>	2014/1110
<b>Location:</b>	Land Adjacent Newstead Abbey Newstead Abbey Park Station Avenue Newstead
<b>Proposal:</b>	Formation of six glamping cabins and supporting ancillary accommodation, within the existing context of the site.
<b>Applicant:</b>	Mr Nigel Hawkins
<b>Agent:</b>	Mr Chris Perkins
<b>Case Officer:</b>	David Gray

### **Joint Report with 2014/1109 – Application for Full Planning Permission**

#### **Site Description**

The application site relates to an area of self-seeded woodland to the east and northeast of Newstead Abbey. Newstead Abbey is a Grade I listed country house converted from the remains of an Augustinian Priory c.1539. The buildings and structures are situated within the Grade II\* Registered Historic Park and Garden. The formal gardens, including the lakes, are generally open in character while the deer park, particularly to the east of the Abbey is now extensively wooded. The proposal is on a site located approximately 250 metres due east and northeast of the Abbey buildings. The site incorporates an open field, originally known as Hall Lawn, directly abutting the eastern boundary wall to the formal gardens known as The Great Garden, and a slightly higher area of wooded parkland immediately to its north. The application site is located within the Green Belt, Historic Park and Garden, Local Wildlife Site, Mature Landscape Area and also within the Sherwood Forest / Greenwood Community Forest as identified on the Proposals Map of the Replacement Local Plan (Certain Policy Saved 2014).

#### **Proposed Development**

Listed Building Consent is sought for the formation of six 'glamping cabins' and supporting ancillary accommodation within the context of the site. 'Glamping' describes camping accommodation with more facilities than those associated with traditional camping.

The proposal involves the erection of 6no. glamping timber cabins and 1 glamping ancillary cabin. The proposal is to use an underused wooded site to attract a greater number of visitors and to promote an interest in the Newstead Abbey site to ensure the ongoing sustainability of the site.

The development involves 3 different types of cabin which include:

4 x 14m<sup>2</sup> Accommodation Cabins;

2 x 17m<sup>2</sup> Accommodation Cabins;

An ancillary Cabin accommodating – 4 toilets and 2 showers.

The accommodation cabins would have timber burning stoves installed with the flues exiting through the cone of the roof at the ridge.

The proposed cabins would be located within the existing open spaces of the woodland.

The proposed glamping cabins are to be constructed from a durable solid timber.

The proposal would incorporate 4 x bird boxes and 3 x Bat Boxes.

Vehicle movements onto the site would be restricted to load/un-load in a designated area. Once unloaded car parking would be accommodated in the existing car parking facilities on the site.

A Heritage Impact Assessment, Planning Statement and Arboricultural Implications Assessment have been submitted with the application.

The development would consist of works that could potentially impact on the Historic Fabric of a Registered Park and Garden and a Listed Building given that the services (electric, water, and foul) would pass under a pathway in the gardens of the Abbey.

### **Consultations**

Newstead Parish Council – No objections. It is in the greater public interest to ensure a sustainable future for the Abbey (in order to maintain its role as one of the premier tourist attractions in Nottingham) and which therefore outweighs any possible harm that may be caused to the environment / heritage of the Abbey.

Nottinghamshire County Council (Highways Authority) – The proposed cabins are located within Newstead Abbey grounds which is private and not in the control of the Highway Authority. As such there are no highway concerns to the proposal.

Nottinghamshire County Council (Landscape) – No comments received.

Nottingham Building Preservation Trust – No comments received

Severn Trent Water – No objections or comments to make.

Wildlife Trust – The Wildlife Trust request that the advice given in Section 5 and 6 of the protected species survey report are followed: -

Lighting associated with the development to be of low intensity and directed away from the boundary habitats.

Vegetation should be cleared outside of the bird breeding season between

1<sup>st</sup> March and 31<sup>st</sup> August inclusive.

Best practise should be followed during construction to avoid harm to badgers.

Birds and/or bat boxes to be installed to enhance ecological interest of the site.

English Heritage – The proposal will result in a degree of harm to the significance of the highly graded designated heritage assets and that clear and convincing justification is required for the proposal. It is strongly recommended that the application is not treated in isolation in the context of existing and future proposals for the site, and that the impact of the proposal on the sustainability of the heritage assets is robustly considered.

Notwithstanding that camping takes place on the site already we are concerned by the more permanent nature of the proposed use, the intensification of the site and alteration to its character.

It is advised the proposal will result in a degree of harm to heritage significance and whilst this can be assessed as less than substantial harm, it is nonetheless harmful.

Recommendation:

Advise the proposed works will result in a degree of harm to the significance of designated heritage assets. It will be for the Local Authority to determine whether a robust justification has been submitted for works and the public benefit clearly demonstrated to outweigh the degree of harm. In determining this application, it is strongly recommended the impact of this proposal is clearly understood in relation to the wider context and sustainability of the site.

Arboricultural Officer – I am satisfied that the application if carried out in accordance with the supplied Amber Tree Services report will not have an adverse effect on the trees in question.

The following note to applicant is advised:

It is essential that the trees are regularly inspected to ensure that any trees within falling distances of used facilities i.e. paths, car parks, stores, plays areas, paths and the structures themselves are free from defects likely to cause harm or damage to site users and their property.

Neighbouring Properties were notified and a Site Notice and Press Notice posted and 5 letters of representation and 2 duplicates were received as a result. The comments can be outlined as follows: -

The glamping development would be detrimental to the Abbey as a historical monument;

The presence of a full time campsite would lead to greater security problems for the estate and lead to reduced property values for the residents;

The application should be refused otherwise it would set a precedent for

other landowners;  
The development would result in an increase in noise nuisance;  
The management of the site is untenable by the changing of the codes for the security gates all the time;  
The proposals would be out of keeping with the Grade 1 Abbey and the Registered Park and Gardens;  
There are restrictive covenants that restrict development of this nature at Newstead Abbey Park;  
The high volume of specialist events has caused disrepair to the shared driveway;  
The permanent nature of the campsite would result in increased noise, security litter, and vandalism;  
The people using the facility would invite other guests to the site increasing the noise and activity and increasing security issues;  
There would be light pollution from the proposed development;  
The planning application would be a breach of the existing covenants on site;  
Concerns raised over the potential cumulative impact of further glamping development should planning permission be forthcoming.

### **Planning Considerations**

This application should be read in conjunction with the Full Planning Application ref: 2014/1109.

The main issue involved in the determination of this Listed Building Application is the impact the proposed works would have on the special architectural and historic interest of the building and gardens, by virtue of the proposed services going under the gate into the garden and along pathways through the curtilage of Newstead Abbey, a Grade I listed country house converted from the remains of an Augustinian Priory in c.1539

The main guidance at a national level is the National Planning Policy Framework (NPPF). This states, in paragraphs 132 – 141, that great weight should be given to the asset's conservation as heritage assets are irreplaceable... and that any harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Of relevance also is the statement in paragraph 126 "that Local Planning Authorities (LPA) should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment....they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In determining applications, LPAs should take account of:

The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation

Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan referred to in Appendix E of the GBACS. The GBACS is subject to a legal

challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts. The challenge to the GBACS is a material consideration and of which the Council must take account. The decision maker should decide what weight is to be given to the GBACS. In this instance significant weight has been given to the GBACS. However, should the GBACS be quashed I do not consider that a different recommendation would be reached given that the policies reflect the guidance contained within the NPPF. The following policy is relevant:

Policy 11 – Proposals will be supported where heritage assets are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can have to the delivery of wider social, cultural, economic and environmental objectives. A variety of approaches will be used to assist in the protection and enjoyment of the historic environment including ....working with owners to make better use of historic assets

When considering this application for Listed Building Consent the main issue relates to the works that would connect the services to the toilets serving the development and whether this would have a material impact to the fabric of the Listed Building and its Curtilage by virtue of the development passing under an existing gate and pathways through the garden area.

I note that the agent has confirmed that all the services would all be located underground. I am satisfied the works would not materially impact on the fabric of the Listed Building provided that the ground works along the route of the services could be returned to their original condition and not impact on the gate and the wall.

Should Listed Building Consent be forthcoming a condition would be attached to any permission requiring written specification of the surfacing and ground condition of the route proposed for the services along with a method statement for the works proposed in order to ensure that any works through the curtilage of the Listed Building do not impact on the historic fabric.

Given the above considerations I recommend that Listed Building Consent be granted.

### **Recommendation:**

### **To GRANT LISTED BUILDING CONSENT:**

#### **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 built in accordance with the submitted plans, Design and Access Statement and application forms received on 29th September 2014 drawing no's: 4393 (20) 253 (Proposed Service Location Plan), 11107/ENV/001 (Existing Drainage Layout), 4393 (20)

250 (Proposed Site Plan), 4393 (20) 252 (Site Plan), 4393 (40) 455 (Toilet Cabin Elevation), 4393 (30) 353 (WC Floor Plans and Elevations), 4393 (30) 352 (Floor Plans), 4393 (30) 351 (Floor Plans), 4393 (20) 251 (Site Plan), and 4393 (00) 001.

3. Prior to any development taking place a full recording and written specification of the surfacing and ground condition of the route of the proposed (electric, water and foul) services along with a method statement for the works required to connect the services should be submitted to and approved by the Local Planning Authority. Details should include the methodology and dig technology to be used and must include a comprehensive scheme to return the proposed routes to the original written specification once the development has been completed. The proposed works and decommissioning of the site shall be implemented in accordance with the approved details.

### **Reasons**

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 that the proposed works do not impact on the fabric or setting of a Listed Building and Registered Garden in accordance with the aims and objectives of Policy ENV21, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation) Act 1990.

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development would result in no significant undue impact on the character and setting of a Listed Building and Registered Park and Garden. The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014), where appropriate. It is the opinion of the Borough Council that where the development conflicts with the Development Plan that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact to the setting of the Listed Building and Registered Park and Garden.

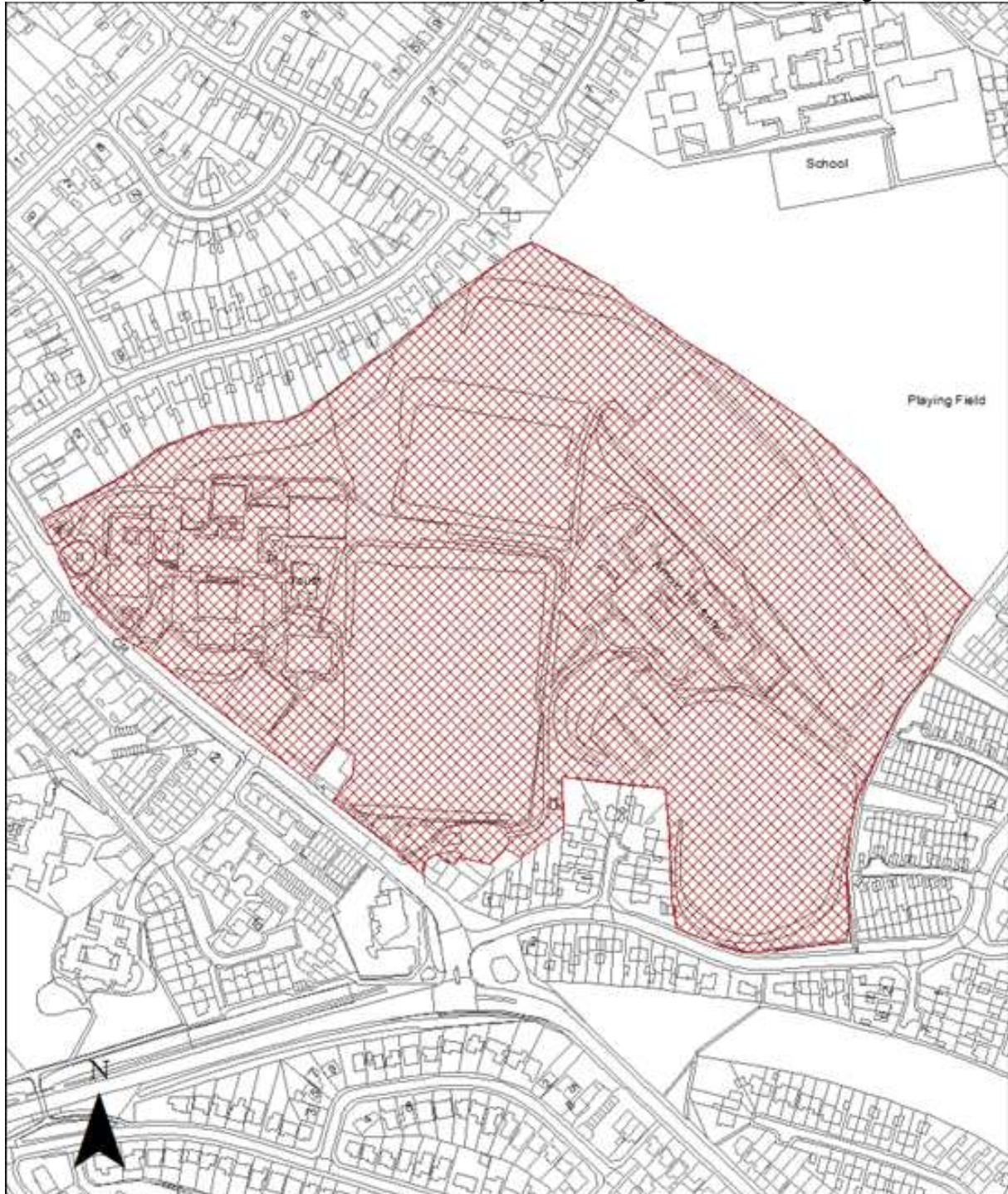
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**Application Number:** 2014/1356

**Location:** Arnold Hill Academy Gedling Road Arnold Nottingham



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## **Report to Planning Committee**

**Application Number:** 2014/1356

**Location:** Arnold Hill Academy Gedling Road Arnold Nottingham

**Proposal:** Demolition of existing school buildings and erection of a new school building with associated access, plant, parking, landscaping and sports pitch provision.

**Applicant:**

**Agent:** Diane Bowers

**Case Officer:** David Gray

### **Site Description**

The application site relates to Arnold Hill Academy an existing school campus with an approximate site area of 14.36ha. The campus is located to the southern end of Gedling Road. The site is bounded to the northwest by the rear boundaries of residential properties on Clarborough Drive and the South by the rear gardens of residential properties on Flowers Close and Ramsey Drive. Ramsey Drive leads onto Bradman Gardens and Cowdrey Gardens located on the west boundary of the site. The southwest boundary of the site adjoins Gedling Road with the opposite side of the Road being occupied by residential properties facing the application site. The northeast boundary of the site adjoins the playing fields and open space associated with Christ the King School.

The built form on site comprises of the secondary upper school complex and sixth form block located to the west corner of the site. The existing lower school building is located to the east of the upper school. Much of the rest of the site gives way to playing fields, hard play areas, and games courts with access and car parking intermittently.

The application site excludes a central area of land used as sports pitches ('Play Football').

Topographically the site slopes substantially down from the North, Northwest, and Northeast with an overall drop in level of approximately 22 – 27 metres.

Vehicle access to the site is from the west and south corner of the site with a small entrance sited centrally accessing car parking to the upper school all off Gedling Road.

### **Proposed Development**

Full planning permission is sought for the demolition of the existing upper school buildings and the erection of a new school building with associated access, plant, landscaping, and sports pitch provision. The development incorporates the retention of the lower school, stadium and sixth form centre.

The school is 11 – 18 year secondary school with sixth form provision. Pupil numbers are 1730 with full time staff numbers 196. This is not scheduled to increase as a result of the development.

The new upper school complex would consist of one proposed building to replace the upper school complex and would be sited north of the existing rugby pitch centrally on the application site on an area currently occupied by sports pitches and a running track. The upper school would occupy an area currently comprises of sports pitches and a running track.

The new building would be a 'super block' and would provide c.8,216sqm of new floorspace for D1 use (gross internal area) over 3 floors. The approximate maximum height of the building would be 11.2 metres with footprint dimensions of 57 metres x 62 metres. The building would accommodate all the upper school facilities including the sports hall. The entrance would be located at the south western corner of the building facing the retained lower school buildings.

The development would incorporate a new plant room and condenser on the south elevation of the sixth form building with footprint dimensions of 3m x 2m. The brickwork used would match the existing building.

The Design and Access Statement list a schedule of materials to detail how the development relates to its context. The predominant external material is brick, with dark brick at ground floor level and buff brick at upper levels. Entrances to the building will be highlighted in zinc cladding and glazed brickwork panels.

External lighting is proposed on circulation routes, main entrances, the building facade and car park areas.

The redevelopment of the site would result in a net increase of 29 car parking spaces creating a total of 199 car parking spaces and would increase cycle parking spaces by 23 to provide a total of 96 secure cycle parking spaces.

The existing vehicle access from Gedling Road to the south of the site is to be retained and widened to allow vehicles to pass in opposite directions with greater visibility. An improved pick up and drop off facility will also be provided on site via this access.

The existing vehicle access point to the upper school off Gedling Road would also be retained and upgraded with an in/out lane for car park access and footways for pedestrians accessing the site from the west.

The central access is to be retained for service access for ground maintenance.

The Design and Access statement outlines that there will be an overall increase in the amount of green space and playing fields across the site due to the reduced footprint of the new building when compared to the existing.

The existing upper school buildings will be demolished once the new building is open and operational. Following demolition, the site of the existing school buildings will be developed as a new rugby pitch. The proposals also incorporate the re-grading of the existing playing field to the north east corner of the site to provide a full size football pitch.

The majority of existing pitches will not be affected by the proposal.

In addition to the master plan, layout, elevations, floor plans, external views, internal views, landscape general arrangement plan, site sections, fencing arrangement, sports pitch analysis, tree retention and removal, and landscape planting plan, the application is also supported by the following documents: -

- Design and Access Statement;
- Ecological Assessment;
- Arboricultural Assessment and Method Statement;
- Transport Statement;
- Travel Plan;
- Flood Risk Assessment (Including drainage details);
- Geo environmental desk study;
- Planning Statement;
- Noise Assessment.

Following comments from the Environment Agency a Flood Risk Addendum has been submitted by the applicant.

### **Consultations**

#### **Nottinghamshire County Council (Highway Authority) -**

The Highway Authority considers that the proposed vehicle access arrangements are satisfactory, and that proposal will not have a detrimental impact on the highway, or on highway safety. In view of this, the Highway Authority has no objections in principle to the proposal.

Notwithstanding the above, from visiting the site and comparing what is in place to the submitted plans, there seems to be an existing vehicle access opposite 278 Gedling Road which is not shown on the plans. As it would seem that this access would become redundant as a result of the development, the Highway Authority recommends that clarification is sought as to whether the vehicle access in question is proposed to be reinstated.

With regards to any controls which are proposed to be put in place to control access and egress, if there are to be any, then the Highway Authority recommends that these are shown in more detail on submitted plans.

#### **Nottinghamshire County Council (Planning Policy) – No strategic planning**

observations to make.

Nottinghamshire County Council (Education) – No comments received.

Nottinghamshire County Council (Forestry Manager) – The supplied surveys are adequate for purpose and the proposals outline for trees and tree retention are agreed with.

It is requested that a specific condition is used with regard to the removal of existing surfaces so that this is carried out in strict accordance with the supplied documentation.

Further detail is required with regard to the installation of bin stores in the vicinity of trees as indicated on drawing ALA231SK15. This should take the form of no dig technology safeguarding tree roots.

Environment Agency –

Following the submission of the Flood Risk Assessment Addendum; the EA do not feel that this information fully satisfies the concerns highlighted within the previous response. Therefore in the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on the reasons below as per our previous response.

*Reason:*

The FRA submitted with the application does not comply with the requirements set out in the National Planning Policy Framework (NPPF) and paragraphs 030 – 032 of the Planning Practise Guidance (PPG). The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development, which are to restrict the surface water discharge to an appropriately reduced rate.

*Overcoming the EA objection:*

By submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain the EA objection to the application. Production of an FRA will not in itself result in the removal of an objection.

- The development site is located in an area that drains to the Day Brook. In line with the Day Brook and River Leen Strategic Flood Risk Assessment (SFRA), all new development within this catchment should be limited to the equivalent greenfield runoff rates (or 5 l/s/ha). The SFRA provides this requirement to reduce the impact of historic urban development that has resulted in rapid runoff into Day Brook and any compromise on the requirement to limit discharge rates will result in a continuation of flooding issues from the Day Brook.
- 

Severn Trent – No comments received.

### Wildlife Trust –

The Wildlife Trust is satisfied with the methodology, results and recommendations of the Ecological Survey and Tree Survey undertaken.

The applicant should be made aware of their legal obligations regarding bats that might be found during the works to the building.

The applicant should be advised to undertake any demolition outside of bird breeding season unless a suitably qualified ecologist is onsite.

Within the landscape plans, the Wildlife Trust welcomes the native hedgerow and the external lighting plan. The applicant should be encouraged to only use lights of low intensity, directed away from linear habitats which may be suitable for foraging bats.

The NPPF encourages developments to contribute to the enhancement of the natural world. Appendix G of the ecological report lists the possible enhancements which would be suitable for the proposed development. Suggestions that the Wildlife Trust would encourage are:

- Creation of informal areas of species rich grassland;
- Installation of a bird feeding station;
- Erection of bird/bat boxes and bat roosting opportunities;
- Introduction of bug boxes.

Police (Architectural Liaison) – No comments received.

### Natural England –

Based on the information provided, Natural England advises that the proposal is unlikely to affect any Statutory Nature Conservation Sites.

The local authority should apply Natural England's Standing Advice on protected species in relation to this application.

The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with paragraph 118 of the National Planning Policy Framework.

### Sports England –

The site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure)(England) Order 2010. The consultation is therefore statutory and Sport England has considered the application in light of the National Planning Policy Framework (in particular para. 74) and its policy to protect playing fields.

Sport England support the development subject to conditions which secure the quality of the replacement playing field provision.

OFSTED – No comments received.

Public Protection –

No objections to the proposal subject to the submission of appropriate details via condition to deal with: Contaminated Land and Air Quality (Dust Management Plan).

Parks and Street Care – No comments received.

Neighbouring Properties were notified and a Site Notice posted and 3 letters of representation were received as a result. The comments can be outlined as follows: -

- No objections to the proposal however, concerns are raised around the heavy vehicles that the works would bring to the area.
- Concerns are raised with the times when works will commence in the mornings and where porta-cabins will be located.
- The proposed bin store would be sited adjacent to the rear boundaries of residential properties. This would give rise to unacceptable: noise, odour and vermin. The bin store appears to be remote from the school buildings.
- Clarification is sought on the new access road serving the tennis courts near the lower school.
- Concerns are raised about the location of an electricity sub-station adjacent to the rear gardens of properties on Flowers Close.

### **Assessment of Application and Planning Considerations**

The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and additional information provided in the National Practice Guidance (NPPG).

Gedling Borough Council adopted the Gedling Borough Council Aligned Core Strategy (GBACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan (GBRLP) referred to in Appendix E of the GBACS. The GBACS is subject to a legal challenge under section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts. The challenge to the GBACS is a material consideration and must be taken into account. The decision maker should decide what weight is to be given to the GBACS. Given that the policies of the GRLP reflect the guidance of the NPPF considerable weight has been given to these in this instance.

The following paragraphs of the NPPF are of relevance to the principle of this application: -

- 1. Building a strong, competitive economy (paragraphs 18 – 22)
- 7. Requiring good design (paragraphs 56 – 68)
- 11. Conserving and enhancing the natural environment (paragraphs 126 –

141)

The following policies of the Gedling Borough Council Aligned Core Strategy (September 2014) are also relevant: -

- Policy 1: Climate Change;
- Policy 10: Design and Enhancing Local Identity;
- Policy 16: Green Infrastructure, Parks and Open Space;
- Policy 17: Biodiversity;

The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) are also relevant: -

- Policy R1: Protection of Open Space;
- Policy C1: Community Services General Principles;
- Policy ENV1: General Development Criteria;

The main planning considerations in the determination of this application relate to: -

- The Principle of the Proposed Development and Community Facilities;
- Protected Open Space;
- Impact on Character and Appearance of the Area;
- Local Residents (Amenity);
- Highway Safety;
- Flood Risk and SUDs;
- Air Quality and Contamination;
- Ecology and Arboricultural Considerations;
- Other Considerations.

### **Principle of Development and Community Facilities**

At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 17 stating 'planning should proactively drive and support sustainable development to deliver the homes, business and industrial units, infrastructure and thriving local places that people need.'

The application site incorporates upper and lower school complexes which both stand on a prominent site surrounded by protected open space and sports pitches. I note that structural surveys have taken place which identified structural defects and a number of failure points in the upper school. As a result of the structural failures temporary classrooms have been provided and structural props installed.

I am mindful that the demolition of the upper school is required given its structural deficits, I am therefore of the opinion that the redevelopment of the site has the potential to greatly improve the design and presence of the school within the local community and this proposal represents a key opportunity. The upper school buildings are evidentially in poor condition and the proposal is to replace existing school buildings with a replacement building.

The existing upper school buildings are clearly in disrepair and there are advantages associated with a new build scheme rather than the repair of the old buildings. In my



opinion it is considered that the principle of the proposal is accepted and supported; however, its acceptability rests in parts on the detailed consideration in particular to the impact on protected open space and sports pitches, design, the amenity of neighbouring residents, highway safety, flood risk and air quality and contamination.

The development proposed is a replacement school to provide improved educational facilities on the site. The development therefore offers significant merit in terms of its educational and community benefits. The site is located within an existing established community with public transport links and therefore satisfies Policy C1(b) which states that, planning permission will be granted for proposals to improve community services and facilities provided that their location is easily accessible to local residents.

### **Protected Open Space**

Policy R1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) states that school playing fields are classified as Protected Open Space and are subsequently protected under this policy.

Policy R1 states that planning permission will not be granted for development on land that is used as open space. However, exceptions to this policy will be allowed where the development would enhance or improve the recreational or sporting potential or quality of the site.

Play Football own 8 x 5-aside pitches and changing facilities to the North-East of the existing upper school building. The school has a good range of external play and sports provisions which include:

- 2 Football Pitches and 2 Rugby Pitches;
- An All-Weather Pitch and access to Play Football synthetic turf 5-aside pitches;
- 4 Tennis and 2 Netball courts.

The proposed replacement school would be sited centrally to the north of the existing rugby pitch on an area currently occupied by sports pitches and a running track.

The Design and Access Statement illustrates that as a result of the development sports pitch provision would be increased. Hard and Soft sports provision would be provided or retained which would include:

- 3 Football Pitches and 2 Rugby Pitches;
- An All-Weather Pitch and access to Play Football Synthetic Turf 5-aside pitches;
- 4 Tennis Courts and 2 Netball Courts retained.

Given that there would be a net increase in open space and sport pitch provision I am satisfied that the development would enhance and improve the existing facilities in line with the requirements of Policy R1.

I note the comments from Sports England who have raised no objections to the revised sports provision subject to conditions which secure the quality of the replacement playing field provision. Through negotiation with Sports England the

conditions have been drafted to allow for the temporary use of one of the existing rugby pitches for storage and construction traffic during construction. A number of conditions are proposed to secure the provision of adequate sports pitches for the site when development is complete.

### **Impact on Character and Appearance of the Area (Landscape and Design)**

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 10 of the ACS requires all new development to be designed to a high standard and sets out in detail how this should be assessed. All new development should make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment.

Section 7 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; respond to local character and history; and are visually attractive as a result of good architecture and appropriate landscaping.

The redevelopment of the school, in the manner proposed on the site layout plans accompanying the application, would mean that the bulk of the built form would be relocated to a more central location on the site. The rising topography of the land to the north would result in the new 3-storey block being seen in context with the existing topography on site. It is my opinion that on completion of the demolition of the existing school building, the site would have a larger area of green space and the built form would be better contained within the existing setting. I therefore consider that the development would enhance the visual amenity of the site when viewed from Gedling Road.

I consider that the development, with the materials proposed, represents a high standard of design that has taken into account the local surroundings. It is my opinion that the choice of materials helps to break up the large rectangular block and would create elevations of interest. I also consider that the height and massing of the proposal would not have an overbearing appearance on the surrounding area. The carefully considered materials would also sit well within the context of the school complex when viewed against the open green space, the rising topography of the land, the existing lower school and the sports pitch provision.

It is my opinion the proposed design and layout of the replacement upper school block does satisfy the guidelines set out in Policy 10 of the ACS and the guidelines contained within the NPPF. It is my view that that the new development would sit well within its context and the proposal has taken this opportunity to improve the character and quality of the area and the way it functions.

### **Local Residents (Amenity)**

The proposed development of the upper school would lead to the reconfiguration of

buildings on the site, including the relocation of the bin store, electricity substation and other ancillary structures. Currently the upper school is located on the corner of Gedling Road with Clarborough Drive. Currently the built form of the school is close to the rear boundaries of properties on Clarborough Drive. The proposed plans show that when the existing upper school is demolished the area occupied by these buildings would be returned to sports pitches and the school buildings would be sited centrally on the site away from neighbouring boundaries.

Given the location of the proposed new upper school and the distances to neighbouring boundaries, it is my opinion, that there would be no undue impact on the amenity of neighbouring residents and the new location would be an improvement to the existing built form currently on site.

I note the comments from the neighbouring resident with regards to the location of the proposed bin store adjacent to the rear boundaries with properties on Flowers Close. During the processing of the application the proposed location of the bin store has been moved 5.6 metres from the corner of the rear garden areas. The details show that the bin store would be constructed of solid wood panels and would have a lockable gate. I also note that the location would be adjacent to mature trees which offer limited screening. It is my opinion that the revised location accounts for the proximity of the neighbouring property and would be sufficient distance to prevent any undue impact on the amenity of residential properties in this area. I also note that public protection has raised no concerns to the development and as such I am satisfied that the bin store location is satisfactory.

I also note the comments from neighbouring residents with regards to the location of the electricity sub-station. However; the submitted master plan shows the sub-station to be contained within the site a substantial distance from neighbouring dwellings. I am satisfied that the location of the sub-station is sufficient to protect the amenity of neighbouring residents.

I note the representation received with regards to the access track to the tennis courts at the lower school. Onsite inspection concluded that this is an existing access and follows an unmade track to an area of hardstanding to the south of the tennis courts. I consider that works to improve the surfacing of the track would not give rise to more traffic or disturbance and would not increase undue impact on the amenity of nearby neighbours.

Given that there would be no undue impact on the residential amenity of surrounding properties the proposed development would accord with Policy C1 (a) that planning permission will be granted for proposals to improve community services and facilities provided that they are not detrimental to the amenity of adjoining and nearby property and Policy ENV1 (b) which relates to protecting the amenity of adjoining development.

### **Highway Safety**

The relevant planning policies which need to be considered in relation to highway safety are set out in Policies ENV1 and T10 of the RLP and Section 4 of the NPPF.

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. 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.

I note the comments from the Highway Authority with regard to the access that was not shown on the original plan. During the processing of the application a revised plan was received showing the redundant access. This access would be gated and locked and would only offer access and egress for ground maintenance vehicles. I am satisfied that the grounds maintenance access would not result in an undue impact on highway safety in this instance.

I note that the Highway Authority do not object to the proposal in principle, the numbers of staff and pupil numbers are not to increase, and the same access and egress points are to be utilised and improved. As such I am satisfied that the proposed development would not result in any undue impact on Highway Safety in this instance.

I note the comments from the Highway Authority with regards to the signage that could be incorporated to direct service users to the correct access and egress points. Should planning permission be forthcoming a condition would be attached to any approval requiring precise details of any highway signage to direct service users of the road configuration to be submitted to and approved by the Borough Council.

### **Flood Risk**

The site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding. I would therefore accept that the proposal is in an area of low probability of flooding and accords with the sequential test for locating development in low risk flood zones, as set out in Policy 1 of the ACS and Section 10 of the NPPF.

Paragraph 100 of the NPPF states Local Plans should take into account climate change and use opportunities offered by new development to reduce the causes and impacts of flooding.

Paragraph 103 states inter-alia: 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere':

The EA objects to the proposed development on the grounds that, in its view, the FRA does not comply with the requirements set out in the NPPF and paragraphs 030 – 032 of the PPG. The submitted FRA does not, in the Environment Agency's opinion, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Paragraph 030 of the PPG states the objectives of a site specific FRA are to establish:

- Whether a proposed development is likely to be affected by current or future flooding from any source;
- Whether it will increase flood risk elsewhere;
- Whether the measures proposed to deal with these effects and risks are appropriate;
- The evidence for the local planning authority to apply (if necessary) the Sequential Test; and;
- Whether the development will be safe and pass the Exception Test.

Paragraph 031 of the PPG states:

‘A Flood risk assessment should also be appropriate to the scale, nature and location of the development.’

I note that the proposed development would not increase pupil or staff numbers and that the built form on site would be reduced. In terms of the run-off volume from the proposed development the drained area of the site would be reduced from approximately 8600sqm to 5800sqm. I also note that the proposed scheme would result in 20% betterment in the discharge rate. Whilst I note that the EA objects to the proposal given that the Strategic Flood Risk Assessment for the catchment area requires a greenfield discharge rate of 5l/s/ha, I also note that the NPPF and NPPG identifies that consideration should be given to the potential improvements. I am mindful that the proposed development would not give rise to an increase in flood risk and the proposal would result in an improvement to the existing situation reducing flood risk in the catchment area.

I consider that the proposed development would accord with paragraph 100 and 103 of the NPPF by using the opportunity offered by the new development to reduce the causes and impacts of flooding. I am also satisfied given that the development would not increase numbers or built form on site the FRA submitted is proportionate to the scale of development.

### **Air Quality and Contamination**

The relevant planning policies which need to be considered in relation to pollution are set out in Policies 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. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.

Section 11 of the NPPF states at paragraph 109; 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.

I note that Public Protection has no objection to the submitted Phase 1 Desktop Report. The report does not mention whether any survey for asbestos in the building(s) has been carried out. Section 5.2 (p11) outlines further assessment works which are considered necessary. As such the recommended planning conditions would be attached to any approval regarding the contamination of the site.

I note the comments with regards to Air Quality and the requirement of a Dust Management Plan before the demolition of the existing school. Should planning permission be forthcoming the suggested condition would be attached to any approval.

As such I am satisfied that the proposed development would not have an adverse impact on Air Quality or ground contamination.

I also consider it would be appropriate to ask the applicant to give consideration to the provision of dedicated external electric power points by means of an informative attached to any decision notice.

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

### **Ecology and Arboricultural Considerations**

I note the comments from the Arboricultural Officer and as such I am satisfied that the proposed development would have no undue impact on the trees on the site, and that the mitigation measures proposed are adequate. Should planning permission be forthcoming I would attach a condition requiring the development to take place in accordance with the conclusions of the Arboricultural Impact Assessment.

I note that the development involves a bin store located within a root protection zone. I also note that during the processing of the application, following advice from the Arboricultural Officer, confirmation was received that 'no dig' technology would be used and that the methods outlined in the Arboricultural Impact Assessment and Method Statement would be followed. Should planning permission be forthcoming I would suggest attaching a condition to any approval requiring the trees to be protected in accordance with the method statement.

I note the Wildlife Trust is satisfied with the methodology of the ecology survey and Arboricultural assessment carried out. In light of this I am satisfied that the development would not impact on wildlife in the area. Should planning permission be forthcoming advisory notes would be added requiring development to be undertaken outside of bird breeding season and advising of the protected classification of bats. An informative would also be attached in relation to possible enhancements which would be suitable for the proposed development.

## **Other Considerations**

I note the comments with regards to the noise, activity, and the times of day the works would be taking place during the construction of the development. Whilst I note that there would be an increase in noise and activity during the construction phase of the development; this is not a permanent impact which I would attach significant enough weight to warrant a refusal of this application. Any undue noise and disturbance as a result of the development would be dealt with under Environmental Health legislation. I note that appropriate conditions would be attached to any approval to deal with the dust management of the development during demolition.

## **Secretary of State Referral**

Whilst there is an unresolved objection from the Environment Agency to this application, this is solely on the grounds of the inadequacy of the Flood Risk Assessment and the discharge rates are insufficient. However, as the site is located within Flood Zone 1 and would result in a betterment in the catchment area, I am satisfied that the Secretary of State for Communities and Local Government does not need to be consulted under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

## **Conclusion**

The development has been considered in accordance with the National Planning Policy Framework, the Planning Practise Guidance, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate.

In my opinion, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is my opinion that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

## **Recommendation:**

**GRANT PLANNING PERMISSION, subject to the following conditions:**

### **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: Revised Illustrative Master Plan (ALA231L00) received on 19th February 2015; Revised General Layout Plan (ALA 231 L02) received on 20th February 2015; Ground Floor Plan (1330-PL-01), First Floor

Plan (1330-PL-02), Second Floor Plan (1330-PL-03), Roof Plan (1330-PL-04), Elevations (1 of 2) (1330-PL-05), Elevations (2 of 2) (1330-PL-06), Sections (1 of 2) (1330-PL-07), Sections (2 of 2) (1330-PL-08), External Views (1 of 2) (1330-PL-09), External Views (2 of 2) (1330-PL-10), Internal Views (1330-PL-11), Sixth Form Centre - Existing Plans Elevations (1330-PL-12), Sixth Form Centre - Proposed Plans Elevations (1330-PL-13), Site Sections (ALA231L03), BB103 Plans \_ Areas (ALA231L04), Fencing Arrangement (excluding the bin store location) (ALA231L05), Detailed Plan 1 of 3 (ALA231L07), Detailed Plan 2 of 3 (ALA231L08), Detailed Plan 3 of 3 (ALA231L09), Sports Pitch Analysis (ALA231 L12), Site Circulation (ALA231 L13), Tree Retention and Removal (ALA231L07), Planning Application Boundary (ALA231L15), Planting Plan (ALA231L16), External Lighting Philosophy Proposed Site Plan (EX-100-03), Preliminary Ecology Appraisal (July 2014), Transport Statement (Curtins Ref: TPLE1149/TS), Geothermal Desk Study (July 2014), Acoustic Feasibility Report by Matt MacDonald (September 2014), and The Travel Plan, all received on 6th December 2014.

3. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the materials to be used in the external elevations of the proposed development. Once approved the development shall be carried out in accordance with these details unless otherwise agreed in writing by the Borough Council.
4. Unless otherwise agreed by the Local Planning Authority, 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 Local Planning Authority. 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 Local Planning Authority. 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.
5. 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. 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 Local Planning Authority.
6. 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 Local Planning Authority and once the Local Planning Authority 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 set out in condition 4 and 5 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 Local Planning Authority.

7. Unless otherwise agreed by the Local Planning Authority, development shall not commence until a Dust Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan should be produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). Once approved the demolition and construction shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Borough Council.
8. Before development is commenced, including vegetation clearance or ground works, the existing trees and hedgerows to be retained shall be protected in accordance with the details specified in the Arboricultural Survey Report (July 2014) by Matt MacDonald and the Arboricultural Impact Assessment and Method Statement by fcpr, dated December 2014. The means of protection shall be implemented in accordance with the approved details for the duration of the construction period, unless otherwise prior agreed in writing by the Borough Council.
9. The proposed bin store shown on General Arrangement Plan (ALA231L02) shall be installed using no dig technology as outlined in Appendix D of the Arboricultural Impact Assessment and Method Statement dated December 2014 unless otherwise agreed in writing by the Borough Council.
10. The removal of existing surfaces shall be carried out in accordance with section 4.6 of the Arboricultural Impact Assessment and Method Statement by fcpr, dated December 2014.
11. Prior to the commencement of development, an assessment of the quality of the existing grass playing fields identified as E2, E7 and E8 on drawing: Sports Pitch Analysis (ALA321 L12) received on 6th December 2014 shall be submitted to and approved in writing by the Borough Council.
12. Within 6 months of commencement of development, design details of: a) replacement playing field construction (which shall be to a standard at least equivalent to the baseline assessment provided in compliance with Condition 11); shall be submitted to and approved in writing by the LPA. Replacement playing field and new areas of hard play shall be provided in accordance with the approved details prior to the development first being brought into use or in accordance with a timetable that shall first be agreed in writing with the Borough Council. The sports pitches and any area of open space shall be retained in accordance with these details for the life of the development.

13. The proposed pitch identified as P1 on drawing: Sports Pitch Analysis (ALA231 L12) shall be provided within the first 9 months of the date of this permission. The replacement playing field construction shall be to a standard at least equivalent to the baseline assessment provided in compliance with Condition 10 and Condition 11. The replacement playing field shall be provided in accordance with the approved details, and retained thereafter for the life of the development, unless otherwise agreed in writing by the Borough Council.
14. The proposed bin store shall be erected in accordance with the proposed details received by email on 10th of February (2.0 metres high close boarded solid timber fencing with lockable gates) and the plan received on 23rd February 2015 (ALA231SK15).
15. The development hereby approved shall be carried out in accordance with the phases plans received on 20th February 2015 unless otherwise agreed in writing by the Borough Council prior to the commencement of a particular phase.
16. Before development is commenced there shall be submitted to and approved the precise details of the proposed external canopies and terraced seating shown the Landscape General Arrangement Plan (ALA231L02) received on 20th February 2015. Once approved the development shall be constructed in accordance with these approved details unless otherwise agreed in writing by the Borough Council.

## **Reasons**

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 10 of the Aligned Core Strategy and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough

Replacement Local Plan (Certain Policies Saved 2014).

7. To protect the residential amenity of the area, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
8. To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
9. To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
10. To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
11. To provide an appropriate baseline assessment of playing pitch quality that would be impacted by the development.
12. To ensure the provision of a replacement playing field area is fit for purpose.
13. In order to minimise disruption and provide a replacement pitch as soon as possible.
14. For the avoidance of doubt.
15. To provide a degree of flexibility to assist the delivery of the site, that also enables the Borough Council to monitor and manage the phases of development.
16. To ensure a satisfactory development, in accordance with the aims of Policy 10 of the Gedling Aligned Core Strategy (September 2014) and policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### **Reasons for Decision**

The development has been considered in accordance with National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014), and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) where appropriate. In the opinion of the Borough Council, the proposal largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the

Development Plan.

### **Notes to Applicant**

Should any bat/s be found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats covering 'reckless' damage or disturbance to a bat roost.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

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, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by achieving amendments to the scheme following consultation responses; additional information or drawings in response to issues raised; and providing updates on the application's progress.

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

The Borough Council requests that the applicant considers incorporating

enhancement of the natural world. Consideration should be given to the findings of Appendix G of the ecological report listing possible enhancements which would be suitable for the proposed development.

The Borough Council requests that the applicant considers incorporating provision (with dedicated parking) for dedicated outside electric power points, to allow to charge electric/hybrid vehicles into the future (see IET Code of Practice for EV Charging Equipment Installation).

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## ACTION SHEET PLANNING DELEGATION PANEL 20th February 2015

2014/1327  
322 Spring Lane Lambley Nottinghamshire  
Single storey rear extension

The application has been withdrawn from the agenda.

2014/1388  
56 Main Street Lambley Nottinghamshire  
Two storey side extension to create additional living space and room above

The proposed development would have an adverse impact on the character and appearance of the property and as a result the development would have an adverse impact on the street scene and the Conservation Area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

SS

**Parish Council to be notified.**

**JC 20th February 2015**

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## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 04 March 2015

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Control.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2011/0523	Woodborough Park, Foxwood Lane, Woodborough	The turbine has a hub height of 50.09m and blade length of 16.7m. Ancillary development comprises a permanent access track and crane pad	TBC
2013/1010	Georges Lane Burial Ground Calverton	Change of use of agricultural field to create natural burial ground with associated car park	TBC
2014/0169	Gedling Care Home, 23 Waverley Avenue, Gedling	Demolition of care home and construction of 14 apartments, car parking and associated landscaping	TBC
2014/0559	The Cavendish Pub Cavendish Road Carlton	38 residential units	TBC
2014/1180	Colwick Business Park Road no 2 Colwick	Construction of 3 storey office building and landscaping	TBC
2014/1110	Newstead and Annesley Country Park Tilford Road Newstead Abbey	Erection of Wind Turbine	1 <sup>st</sup> April
2014/1349	The Grove Public House 35 Mansfield Road	Residential development	11 <sup>th</sup> March

	Daybrook		
2014/0740	Land Adjacent Bradstone Drive Spring Lane	Residential Development	11 <sup>th</sup> March /1 <sup>st</sup> April
2012/0616	Land North of the Lighthouse Catfoot Lane	Crematorium and associated works	11 <sup>th</sup> March /1 <sup>st</sup> April

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

**Recommendation:**

To note the information.