



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

Agenda

Planning Committee

Date: **Wednesday 7 August 2013**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Lyndsey Parnell

Members' Services Officer

0115 901 3910

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 Bob Collis
Councillor Andrew Ellwood
Councillor Cheryl Hewlett
Councillor Sarah Hewson
Councillor Jenny Hollingsworth
Councillor Mike Hope
Councillor Meredith Lawrence
Councillor Marje Paling
Councillor Colin Powell
Councillor Suzanne Prew-Smith
Councillor Gordon Tunncliffe

AGENDA

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MINUTES PLANNING COMMITTEE

Wednesday 17 July 2013

| | |
|---------------------------|--------------------------------|
| Councillor Barbara Miller | Councillor Sarah Hewson |
| Councillor Pauline Allan | Councillor Jenny Hollingsworth |
| Councillor Peter Barnes | Councillor Meredith Lawrence |
| Councillor Alan Bexon | Councillor Marje Paling |
| Councillor John Boot | Councillor Colin Powell |
| Councillor Bob Collis | Councillor Suzanne Prew-Smith |
| Councillor Andrew Ellwood | Councillor Gordon Tunnicliffe |
| Councillor Cheryl Hewlett | |

Apologies for absence: Councillor Chris Barnfather and Councillor Mike Hope

Officers in Attendance: P Baguley, A Dubberley, L Sugden and M Russell

13 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors Barnfather and Hope.

14 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 29 MAY 2013.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

15 DECLARATION OF INTERESTS

Councillor Truscott, on behalf of all members of the committee, declared non-pecuniary interests in Application number 2013/0620 as Members of Gedling Borough Council.

Councillors Barnes, Bexon, Powell and Prew-Smith declared non-pecuniary interests in Application number 2013/0523.

Councillor Boot declared a prejudicial interest in Application number 2013/0523.

Councillor Collis declared a pecuniary interest in application number 2013/0551.

APPLICATION NO. 2013/0272 - STOCKINGS FARM, ARCH HILL, REDHILL.

Substitution of House types to Plots 321-345 inclusive (reserved matters application 2010/0437)

The Service Manager, Planning and Economic Development advised that no comments on the revised plans had been received from the highway authority.

RESOLVED to SUPPORT the principle of granting planning permission but DELEGATE the decision to the Corporate Director subject to no objection from the highway authority to the revised layout, and (if granted) to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be built in accordance with the approved House Types DH304GE-2, DH313CD-2, DH313CDW-2, DH330G-2, DH400G-2, DH402G-2, DH404G-2, DH413G-2, DH416G-2, DH417G-2, DH418G-2; DH419G-2, DH428G-2, DH501G-2 and DH516G-2; Garage Types DG1, DG2-S, DG3-S, DG4-S and DG14-S, deposited on 12th March 2013; and the revised Planning Layout ER/1042-03 Rev A, received on 22nd April 2013.
3. All details approved by pre-commencement condition, or conditions requiring pre-occupation details, under application nos: 2005/0925 & 2010/0437, other than details being dealt with by condition under this application, shall remain applicable and of effect.
4. No part of the development hereby approved shall be first occupied until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been entered into by all persons with a relevant interest in the site and lodged with the Borough Council to re-apply, as appropriate, the terms of the original planning obligation attached to outline planning permission no: 2005/0925 and the Borough Council as local planning authority has notified in writing the persons submitting the same that they are to the Borough Council's approval.
5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the finished floor levels of the plots hereby permitted in relation to existing levels. The development shall then be completed in accordance with the approved details.

6. Before any part of the development hereby approved is first occupied there shall be submitted to and approved in writing by the Borough Council details of the means of enclosure, including retaining walls, to the individual plot boundaries. The development shall then be completed in accordance with the approved details.
7. Before any part of the development hereby approved is first occupied there shall be submitted to and approved in writing by the Borough Council details of the proposed means of surfacing of the access roads, private drives, pathways and other unbuilt on portions of the site. The development shall then be completed in accordance with the approved details.
8. Before any part of the development hereby approved is first occupied there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted.
9. The approved landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
10. The garages shown to be provided on the approved plan shall remain in use for garage purposes ancillary to the dwelling houses which they serve. They shall be kept available for the accommodation of private vehicles at all times and shall not be used for any other purpose unless otherwise agreed in writing by the Borough Council as local planning authority.
11. No additional windows shall be inserted in the east facing, first floor, side elevations of the dwellings hereby permitted on plots 330, 331 and 327 at any time.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.
4. To secure the provision of contributions towards public open space, affordable housing, health care facilities, education facilities and integrated transport measures in accordance with

Policies T1, H2, C2, R3 and H18 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and the Supplementary Planning Documents in relation to Open Space Provision and Affordable Housing.

5. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
6. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
7. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
8. In the interests of visual amenity, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
9. In the interests of visual amenity, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
10. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
11. To protect residential amenity in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Reasons for Decision

In the opinion of the Borough Council the proposed substitution of house types would achieve an effective and efficient use of land that would have regard to the appearance of the area and would have no significant adverse impact on highway safety or residential amenity. The proposed development meets with the fundamental aims of the National Planning Policy Framework and Policies ENV1, C2, H2, H4, H8, H16, H18, R3 and T1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008). It also accords with the aims of Policies 8 and 10 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.

17 APPLICATION NO. 2013/0620 - ARNOLD LEISURE CENTRE, 161 FRONT STREET.

Proposed new single storey flat roof extension to leisure centre to

provide additional foyer/reception/admin space. including removal of two existing trees. Extension includes new permanent pergola entrance feature/structure. Installation of new external air handling ventilation unit at ground floor level enclosed by permanent 2.4m high fencing and double access gates/additional hardstanding. Improvements to existing retained soft/hard landscaping to leisure centre site / perimeter.

The Service Manager, Planning and Economic Development, advised Members of one further letter of objection - the contents of which had already been addressed in the report.

RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved plans (Drawing no.PL 04 and PL 06) deposited on the 10th June 2013.
3. The air handling/ventilation unit hereby approved shall be installed in accordance with drawing no.s PL 04, PL 06 and M/SK-01 and the Flaktwoods system details and specifications deposited on the 10th June 2013 and 27th June 2013. A air handling/ventilation system that accords with the submitted details and specifications shall thereafter be retained in working order at all times for the lifetime of the development.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.

18 APPLICATION NO. 2013/0618 - 7 AYLESHAM AVENUE, ARNOLD.

Single storey front and two storey side extension

RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions;-

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be completed in

accordance with the submitted plans received on the 10th June 2013, drawing no's 213:18:1 and 213:18:2.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.

19 APPLICATION NO. 2013/0523 - 3 LOXLEY MEADOW, BURTON JOYCE

Councillor Boot left the room for consideration of this item

Proposal for the retention of a gate as installed.

The Service Manager, Planning and Economic Development advised that one letter of objection had been received since the agenda was printed commenting on the height of the gate and safety concerns – all of which had been addressed by the report. He also reported that the highway authority had raised no objections to the application.

RESOLVED to SUPPORT the principle of granting planning permission but DELEGATE the decision to the Corporate Director subject to no objections being received before 22 July that raise material planning considerations and, if granted, to the following condition:

This permission relates to the development as shown on the submitted photographs received by the Borough Council on the 8th May 2013.

Reason

For the avoidance of doubt.

Reasons for Decision

The development has no significant impact on the amenities of neighbouring residential properties and has no material impact on the character or appearance of the site or the wider street scene. The proposal therefore accords with Policy ENV1 (Development Criteria) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Councillor Boot returned to the meeting.

20 APPLICATION NO. 2013/0551 - 27 BENNETT ROAD, MAPPERLEY.

Councillor Collis left the meeting for consideration of this item

Demolish existing conservatory and replace with UPVC on existing brick base.

RESOLVED to GRANT RETROSPECTIVE PLANNING PERMISSION subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be carried out in accordance with the approved plans received by the Borough Council on the 16th May 2013.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.

Reasons for Decision

The proposed development results in no significant impact on the amenities of neighbouring residential properties and has no material impact on the character or appearance of the site or the wider street scene. The proposal therefore accords with Policy H10 (Extensions) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Councillor Collis returned to the meeting.

21 APPLICATION NO. 2013/0611 (FOOTPATH DIVERSION) - LAND SURROUNDING 315 SPRING LANE.

RESOLVED:

To authorise the Council Solicitor and Monitoring Officer to make an order that Carlton Footpath 1 be diverted in accordance with the plan submitted with the application.

22 PLANNING ENFORCEMENT REFERENCE: 0006/2013 - GRIFFINS HEAD PUBLIC HOUSE (PH), MOOR ROAD, PAPPLEWICK.

RESOLVED:

To authorise the Corporate Director, in consultation with the Council Solicitor and Monitoring Officer, to take any appropriate enforcement action including the service of relevant notices.

23 CERTIFICATE OF LAWFULNESS - GLEBE FARM, 71 LAMBLEY LANE, GEDLING

RESOLVED:

To note the information

24 APPEAL RECEIVED - GLEBE FARM, 71 LAMBLEY LANE, GEDLING

RESOLVED:

To note the information

25 APPEAL RECEIVED - LAND ADJACENT TO 51 KIRKBY ROAD, RAVENSHEAD.

RESOLVED:

To note the information

26 PLANNING DELEGATION PANEL ACTION SHEETS.

RESOLVED:

To note the information.

27 FUTURE APPLICATIONS

RESOLVED:

To note the information

28 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

The Chair reported that in the matter of the Judicial Review by Mr Holder of the Council's decision to grant planning permission for the wind turbine at Woodborough, the High Court had found in favour of the Council, but that notification had been received that Mr Holder has made an application to the Court of Appeal for permission to appeal this decision. Members will be kept informed.

The meeting finished at 6.45 pm

Signed by Chair:
Date:

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Agenda Annex

PLANNING COMMITTEE PROTOCOL

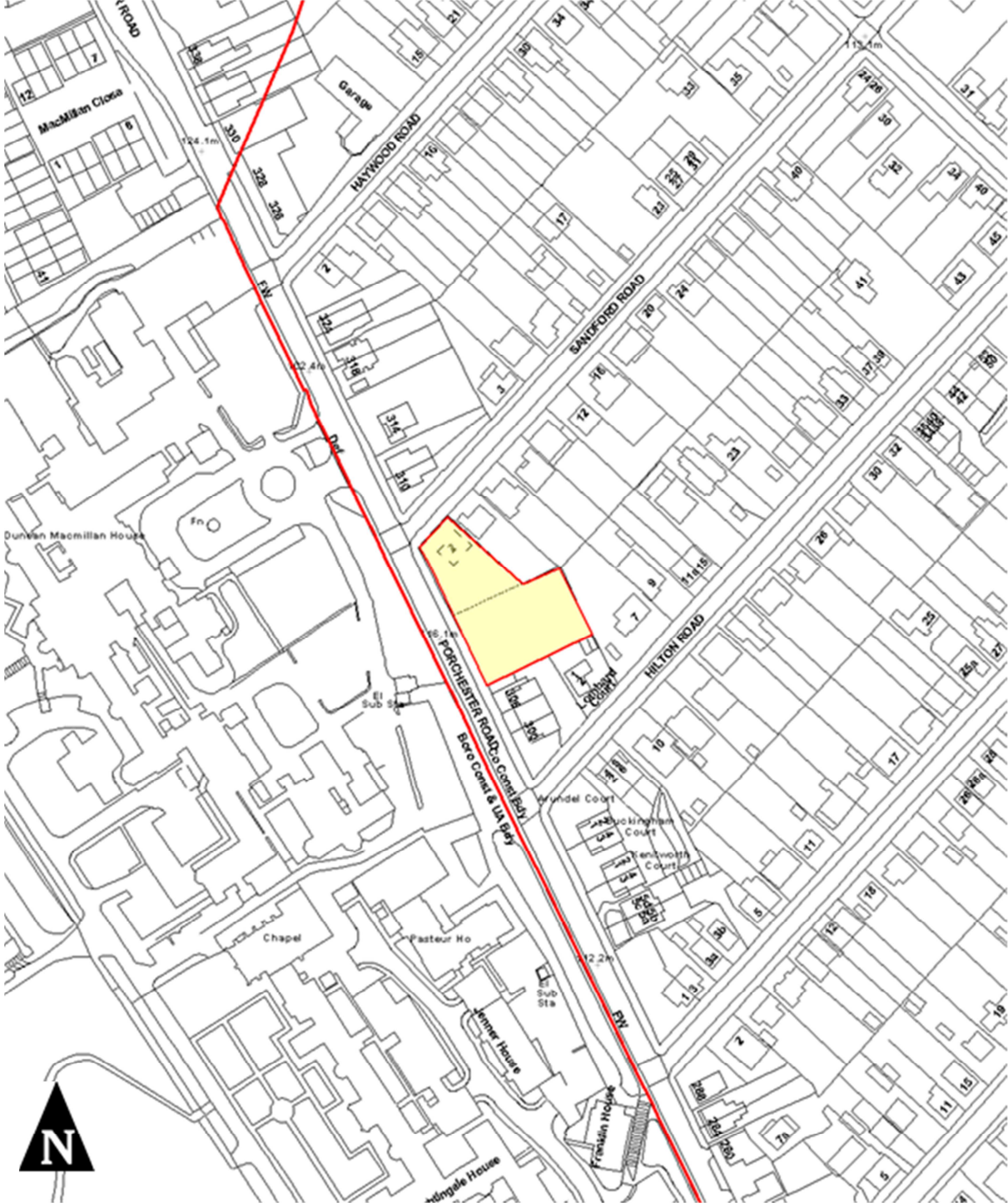
1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is a quasi-judicial body, empowered by the 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: 2010/0936

Location: 2 & 2A Sandford Road, Mapperley, Nottinghamshire



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.
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Report to Planning Committee

Application Number: 2010/0936

Location: 2& 2A Sandford Road, Mapperley, Nottinghamshire, NG3 6AL

Proposal: Demolition of Existing Dwellings at 2 and 2A Sandford Road and Erection of Building to Provide 10no. Dwellings with Associated Access, Parking and Rear Amenity Space.

Applicant: Mr Iain Orme

Agent:

Site Description

The application relates to 2 and 2A Sandford Road and the associated garden. The site is a corner plot sharing boundaries with Porchester Road and Sandford Road. The existing vehicular access to the site is off Sandford Road. Residential properties adjoin the site at no.4 Sandford Road and no.7 Hilton Road as well as flats at Barclay's Court and Lombard Court. The existing property on the site is derelict and the associated grounds overgrown. There is a significant change in levels between the boundary of the site with Porchester Road and the rear boundary with no.7 Hilton Road is approximately 8.0m lower than the boundary with Porchester Road.

The neighbouring residential properties include split level properties on Sandford Road, two-storey flats at Lombard Court, a two-storey detached dwelling at no.7 Hilton Road, and two storey flats with basement garaging to the rear at Barclay's Court.

Trees covered by a Tree Preservation Order sit within the site adjacent to the boundary with Porchester Road. A mix of close bordered fencing and hedges exist to residential boundaries.

Proposed Development

The application was originally validated in January 2011 and the proposal at the time was for the erection of an apartment building with 14no. apartments with commercial space. Concerns were raised by the case officer in respect of the scale and nature of the original scheme. Given the constraints of the site and that the site has been problematic from a Public Protection perspective, Officers agreed to continue dealing with the application to explore without prejudice whether there was a solution which had a better relationship with the character of the area, neighbouring amenity and highway safety.

Extensive negotiations have taken place between the applicant and Officers,

resulting in the applicant submitting the latest plans for the demolition of existing dwellings at 2 and 2A Sandford Road and the erection of a building to provide 10no. dwellings with associated access, parking and rear amenity space. The 10no. dwellings would consist of 6no. four-bedroomed dwellings, 3no. three-bedroomed dwellings and 1no. one-bedroomed dwelling taking into account that the studies proposed to some of the dwellings could easily be converted into bedrooms.

The proposed building would be of a contemporary design and would be split level utilising the slope of the site between the boundary with Porchester Road and boundaries to the rear. The front elevation of the building would be at a lower level to the adjoining highway on Porchester Road by a maximum of 2.5m. Approximately two thirds of the elevation facing Porchester Road would be two-storey with dormer windows serving the roof space. This part of the front elevation would have approximate heights of 5.5m to the eaves and 8.25m to the ridge. The ridge of the building would sit approximately 1.9m higher than the ridge of neighbouring Barclay's Court.

The height of the building would drop to single storey with dormers serving the roof towards the junction with Sandford Road and the boundary with no.4 Sandford Road. The front elevation to this section of the building would have approximate heights of 3.0m to the eaves and 6.0m to the ridge.

To the rear elevation the building would have a maximum height of 14.4m when measured from basement level. The rear elevation would include angled oriel windows to the ground level of the dwellings with the vehicular access ramp and basement level parking below. Windows are also proposed to the first floor level of the dwellings and roof light windows to the rear facing roof slopes.

Proposed materials for the building include brickwork with timber clad sections to the front elevations, render to the rear elevations and tiles to the roof. Modern styled chimneys are proposed clad in metal panelling. The layout plans indicate 2.0m high boundary treatments measured from the level of neighbouring properties and soft planting to the perimeter of the rear grounds. A landscaped bank with new tree planting is proposed to the front of the building with steps from the ground level of the building to pavement level on Porchester Road. Pedestrian access is also available onto Sandford Road. Bin storage is shown to be housed within indents to the ground floor front elevations.

Remotely controlled electric gates are proposed to the front elevation of the building close to the boundary with the neighbouring flats at Barclay's Court. The gates would be set back from the boundary with the Highway by approximately 4.0m and would lead on to a ramp providing access to basement parking. The first 5.0m of the ramp would have a gradient of 1 in 20. Thereafter the ramp would have a gradient of 1 in 12 and would emerge from and sit parallel with the rear elevation of the building before re-entering the building until it reaches the proposed ground level. The edge of the ramp would have a barrier wall measuring some 0.9m in height.

A revised lower ground plan was submitted on 18th July 2013 showing a total of 20 car parking spaces are proposed, 6 of which would sit adjacent to the ramp within the building footprint with the remainder to the car park which occupies the majority

of space to the rear of the building. Motorcycle, bicycle storage and lock up units are also shown at basement level as well as a lobby area providing staircase access to the dwellings. Lift access is also shown from basement level to the dwellings.

A revised Design and Access Statement was submitted on 11th June 2013 stating inter-alia that the surface finish of the proposed ramp will be such that drainage can be controlled to drain to the sides of the ramp. Ice will be controlled through the roughness of the surface finish and the building management will include provision of a salt box to be spread when required by the management company. Lighting to the ramp is proposed at low level within the barrier wall and not directed towards neighbouring properties or occupiers of the building.

A plan showing the proposed visibility splay relating to the vehicular access has been submitted.

Other supporting documents include a Tree Report and Protected Species Survey report.

Consultations

Arboricultural Officer – Has inspected the submitted report and the trees on site.

The Forestry Manager is of the opinion that although the trees still have some contribution to make in terms of the visual amenity, it is apparent that decline is now being exhibited by the trees themselves and it appears on a physiological level that the trees are now entering the final phase of their collective safe retention. The Forestry Manager is mindful that dead branches or stems could fall onto the highway at some stage in the immediate future.

The Forestry Manager would strongly advise the use of structural engineers to establish the effects of removing trees as they form part of the structure that supports the public highway and as such require careful consideration to be given prior to tree removal.

Any decision taken with regards to the trees removal must be made in the full light of all the facts. This should include replacement planting of trees that will provide adequate visual amenity into the future to be planted in such a manner as to not affect any proposed development.

No evidence of engineering specification or additional detail was submitted with the application and the Forestry Manager raised concerns that the implications of this have not been dealt with adequately, in particular, how the public highway is to be supported and how the tree planting is envisaged to occur to allow future retention to be possible. The Forestry Manager advised that the use of heavy standard trees as replacements would in no way offset the removal of such large and significant trees.

The submitted plans show new tree planting to the proposed landscaped bank between the front of the proposed building and the boundary with the highway. The Forestry Manager initially questioned the viability of this tree planting and following the submission of catalogue details of root barriers and root direction systems for the

proposed replacement trees advised this did not overcome their concerns.

Since the Forestry Managers, a Forestry Officer has spoken to the highway safety team regarding the extension of the County Council's tree stock on Porchester Road between Sandford Road and Hilton Road, Mapperley.

It was recommended that highway trees were not planted at this location and it seems it may not be best practice begin to extend the County Council's highway tree population on to Porchester Road.

Public Protection – It is unlikely that there will be any adverse environmental protection issues.

Notts County Council (Highways) –following the receipt of the amended plans showing the new car parking layout, the Highway Authority consider the latest plans give better movement around the car park.

The Highways Authority consider the proposals are acceptable subject to a series of conditions being attached to any consent.

The Highway Officers have raised visibility concerns from the access and junction with regards to the replacement of the trees covered by a Tree Preservation Order with new trees on the footway. The trees would also raise other issues such as drainage damage, kerb and footway heave, leaves blocking the channels/gullies, branches overhanging the road striking buses and HGVs, the need for traffic management to maintain and trim the trees, branches dripping water on to the road was leading to accelerated surface damage, pedestrians appearing suddenly from behind trees as they step into the road and obscuring pedestrians' view of oncoming traffic.

Notts County Council (Ecology) – Having looked at the Protected Species Survey report (dated January 2011) notes that this found no evidence of bats within the building. Nevertheless, the recommendations made in section 6.1.2 of the report in relation to bats should be adhered to and secured through a planning condition. A planning condition should also be used to require that no vegetation clearance take place during the bird nesting season (March to August inclusive).

Environment Agency –The application is covered by the Environment Agency's Flood Risk Standing Advice.

Severn Trent Water – No objection to the proposal subject to a condition being attached to any consent requiring drainage plans for the disposal of surface water and foul sewage.

Nottinghamshire Wildlife Trust – Have looked at the ecological report (EMEC Ecology, January 2011) and support the survey methodology and recommendations set out in section 6. The Trust wish to highlight the following advice:

- Paragraph 6.1.1 recommends precautionary working procedures to protect badgers, the first paragraph of 6.1.2 sets out precautionary working procedures to protect bats and appendix 1 details the *“procedure to follow if*

bats are found". The Trust recommend this advice is secured through placing an advisory note on any decision notice.

- With reference to paragraphs 6.1.2 & 6.1.3, given that the Trust understand that mature trees are to be removed, they strongly recommend that the tree works take place outside of the bat activity and bird nesting season (i.e. avoid March to October inclusive). The Trust recommend this is secured by placing a condition on any decision notice. Although the Trust would recommend against it, should it not be possible to avoid the months of March to October then an ecologist must survey the trees ahead of any works.
- We would wish to see bird boxes installed as a compensatory measure/enhancement (paragraph 6.1.3).

Urban Design Consultant – Following extensive negotiations, considers the latest proposals for a building to provide 10no. dwellings is a good scheme for a very difficult site bearing in mind the shape of the site and the position of adjoining dwellings.

The contemporary design is good and the building line respecting the frontages is also good. The difficulty of providing an access which satisfactorily negotiates the change in levels on site has been overcome.

Considers there should be a substantial planting scheme around the boundaries, a dense scheme using semi mature trees and a mix of deciduous and coniferous trees/shrubs. Materials for the building should be conditioned.

Following the receipt of amended plans showing a change to levels and comparative heights between neighbouring properties the Urban Design Consultant made the following further comments:

No issue with the change in height. Still considers that the development would have an acceptable relationship with the street scene.

Notts County Council (Education) – The revised application for 10 dwellings would equate to a primary requirement of £22,910 for 2 additional places. The primary schools are at capacity so the County Council would request the contribution to provide additional primary places to serve the development.

Police Architectural Liaison – Provided comments on the original scheme and recommended that the entrance gates to the basement car park be fitted with access control and automated access. Concerned that access gates might allow for the possibility of climbing over and therefore recommended a roller shutter fitting to prevent unlawful access, together with CCTV to monitor access and egress. Lintels should be placed in the ground to address any level difference to meet the bottom of the gate/roller shutter.

The Architectural Liaison Officer also recommended that all ground floor doors and windows are to be Secured by Design standards and fitted with laminated glazing.

No further comments have been received relating to the latest proposals.

Natural England – The application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

Natural England would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

- Green infrastructure
- Protected species
- Local wildlife sites
- Biodiversity enhancements
- Local landscape

Housing – No comments received

Planning Policy – The application site is located within the built up urban area approximately 400 metres from Mapperley District Centre. It is noted that this proposal is a revision to an earlier application for 14 apartments and commercial space for which Planning Policy provided comments on 9th February 2011. These latest revised proposals are for a wholly residential scheme and do not include a commercial element. Consequently, the revised Planning Policy observations relate solely to a residential scheme and largely reflect the previous comments made in relation to the residential element of the previous proposal.

In summary, Planning Policy would have no objection to this proposal provided Development Management is satisfied that it meets ACS Policy 10 Policies ENV1, H7, H16 and H17

Waste Services – No comments received

Adjoining neighbours have been consulted and site and press notices have been posted – Since the application first went out to consultation in January 2011, 21 no. written representations have been received.

12 no. written representations were received on the original scheme for 14no. apartments with commercial space raising objections to the proposal. In particular, but not exclusively, the objections related to the scale of the proposals and the impact on neighbouring amenity by virtue of the bulk, scale and layout of the building and the presence of, and activity on, the access ramp adjacent to neighbouring boundaries. Concern was also raised in relation to the safety of the access ramp, the appropriateness of commercial element of the proposal in this location and the general level of detail within the application.

9 no. of written representations have been received since the scheme was amended

to a building for 10 dwellings, the comments of which can be summarised as follows:

- The building is too high and will have an overbearing impact on adjacent properties.
- The building and ramp are will overshadow Lombard Court on Hilton Road.
- There are too many parking spaces, 27 for just 10 dwellings. There are bus stops close by and more landscaping should be considered.
- Question whether the entrance is gated.
- Is the access large enough for emergency vehicles?
- What is the height of the barrier edging the access ramp? It needs to be high enough to avoid aggravation to neighbours from car headlights.
- Where will refuse bins be placed and how will they be collected?
- How will the ramp be lit so that adjacent properties are not affected?
- More detail required on boundary treatments. Concerns boundary treatments could have an overbearing impact particularly on Lombard Court. Also concern that trees would impact on the stability of the boundary with Lombard Court.
- Lack of detail on lighting on the site - Car park security lighting should be designed to have minimal effect on local residents.
- Fears of subsidence and damage to the neighbouring building and drainage system. Conditions should be attached requiring the property developer to fund an independent surveyor to risk assess and photographically record the neighbouring building at Barclay's Court with reassessment for a minimum of 10 years after completion of the build for any cracks or structural damage caused by subsidence as a result of the new development.
- Safety of the ramp, will there be a speed limit.
- More detail requested on any retaining wall to the boundary with Lombard Court. Will there be space to maintain the neighbouring garages?
- Concern about the height of the car park in relation to Lombard Court.
- Concerns about how drainage of the site will be dealt with and impact on neighbouring property.
- Compensation for any damage to neighbouring properties or cars.
- Defensive shrubbery (not trees) should be planted adjacent to a proposed boundary wall.
- That the height of the proposed boundary walls are measured from the ground level of adjoining properties.
- The ramp should be fitted with a security gate.
- Question the site levels. If the proposed car park is above head height in relation to Lombard Court (similar to the car park serving Barclay Court) this would be unacceptable.
- Concerns about overlooking impacts.
- Japanese Knotweed is present on the site. How will this be removed effectively to prevent problems in the future?
- Development of the site would be of benefit to the area. The proposed plans are an improvement.

Planning Considerations

The main planning considerations in the determination of this application are the

principle of residential development on the site and the size and design of the proposal and its relationship with the appearance of the area and neighbouring amenity. The potential highway implications are also a determining factor.

The following core planning principles of the National Planning Policy Framework are relevant in the consideration of this planning application:-

- 6. Delivering a wide choice of high quality homes (paragraph 49)
- 7 Requiring good design (paragraphs 56-68)

The following saved policies of the Gedling Borough Replacement Local Plan (2005) (Saved Policies 2008) are relevant to this planning application:-

- Policy ENV1: Development Criteria
- Policy ENV2: Landscaping
- Policy ENV47 Tree Preservation Orders
- Policy H7: Residential Development on unidentified sites within the Urban Area and the Defined Village Envelopes
- Policy H16: Design of Residential Development
- Policy T10: Highway Design and Parking Guidelines

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

- ACS Policy 8 (Housing Size, Mix and Choice)
- ACS Policy 10 (Design and Enhancing Local Identity)
- ACS Policy 19 (Developer Contributions)

In terms of delivering a wide choice of homes paragraphs 47 and 49 of the NPPF are relevant which seek to boost the supply of new homes and to consider applications for housing in the context of the presumption in favour of sustainable development.

Policy 8 (Housing Size, Mix and Choice) of the emerging Gedling Borough Aligned Core Strategy states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities. All residential developments should contain adequate internal living space, and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants.

Paragraph 56 of the NPPF states that Government attaches great importance to good design which is a key aspect of achieving sustainable development. Paragraph 60 advises that planning decisions should not attempt to impose architectural styles however, it is proper for Local Planning Authorities to promote or

reinforce local distinctiveness. Paragraph 65 advises that planning permission should be refused for development of poor design that fails to take the opportunity to improve the character and quality of an area and the way it functions.

Policy 10 (Design and Enhancing Local Identity) of the emerging Gedling Borough Aligned Core Strategy reflects national policy and Policy 10.1 a) states that new development should be designed to make a positive contribution to public realm and sense of place; and 10.1 c) refers to development reinforcing valued local characteristics. Policy 10.2 states that development will be assessed against a number of design elements set out in criterion a) – i) of which a) relating to the orientation and positioning of buildings and d) massing scale and proportion are particularly pertinent to this application. There were no significant objections to these elements of ACS Policy 10 and therefore these design policy principles can be given significant weight in policy terms.

Policy 19 (Developer Contributions) states that planning obligations will be sought to secure all new infrastructure necessary to support new development either individually or collectively.

Policy H7 of the Replacement Local Plan states planning permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided:-

- 'a. it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- b. it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area; and
- c. it is not contrary to other policies contained in this Local Plan.'

The site is located within the urban area where the principle of residential development is generally accepted subject to the relevant criteria in H7 being satisfied. The proposal would also help increase the supply of homes in Gedling Borough which is a key objective of national planning policy.

Design of the proposal and impact on the appearance of the area

With regards to design and amenity issues, Policy H16 of the Replacement Local Plan states that planning permission should be granted for new residential development if it meets the design criteria set out under this policy including that the proposal is sited and designed to relate to the roads, footpaths and open spaces, laid out and design in such a way as to reduce the risk of crime, that the proposals are of a high standard of design and that dwellings should conserve energy and use it efficiently.

The design for the proposed development should also meet the criteria set out in Policy ENV1 of the Replacement Local Plan, in particular (a) 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; (b) 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; (c) development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children; and (d) it incorporates crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space and well considered layouts and landscaping.

Given the constraints of the site, in terms of the significant change in levels from the boundary with Porchester Road and the irregular shape of the site, development of the site necessitates an innovative design solution. Extensive negotiations have taken place with the applicant, and the Urban Design Consultant has been involved in these discussions. I am satisfied that the scheme makes effective and efficient use of the site bearing in mind the considerable constraints in terms of the site's shape and topography. The Urban Design Consultant is also supportive of the contemporary design which reflects the alignment of existing properties on the frontage of Porchester Road and Sandford Road. Whilst contemporary in design the building also incorporates traditional building forms including pitched roofs and materials including brick elevations and tiles roofs. I also note the Urban Design Consultant has raised no concerns with regards to the height of the proposal within the street scene and whilst the ridge of the building would be higher than neighbouring buildings I am satisfied the difference in levels is not so significant so as to have an undue impact on the appearance of the area.

The latest plans also negotiate the significant change in levels between the boundary of the site with Porchester Road and the rear of the application site though the use of a vehicular access ramp which addresses much of the change in levels within the building footprint. The external part of the ramp sits tightly against the rear elevation of the proposed building helping to reduce the footprint of the proposal. Precise details of the external face of the ramp can be requested as part of a condition attached to any consent requiring precise details of materials.

With regards to the Police Architectural Liaison Officer's recommendations to reduce the risk of crime, precise details of the gate to the access ramp and details of a CCTV system could be conditioned as part of any consent. A note could be attached to any consent highlighting the Police recommendation for windows and doors to be Secured by Design standards and the final details could be considered under a condition requiring details of materials in line with the advice of the Urban Design Consultant.

Impact on neighbouring amenity

Policies H7 and H16 of the Replacement Local Plan required proposals to be designed so as to not adversely affect the area and Policy ENV1 of the same Local Plan states proposals should 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 level of traffic generated.

I have given very careful consideration to the potential impact of the proposal on neighbouring residential properties particularly given the height of the proposal, the levels on the site and adjoining sites, the distances between properties and the individual design of the proposal to address the very specific characteristics of the site.

In my opinion the design of the proposal, which has been significantly reduced in height, bulk and footprint since the original proposals were submitted, will have no undue impacts on neighbouring amenity. The rear elevation of the building is set back from the rear elevations of no.4 Sandford Road and Barclays Court. The building has a maximum ridge height 1.9m above the ridge of Barclays Court and steps down in level close to the boundary with no.4 Sandford Road. With regards to windows facing neighbouring properties, the proposed building incorporates oriel windows serving its ground floor level with windows facing away from no.4 Sandford Road. The nearest habitable window to the flats at Lombard Court would be a minimum of 15.0m to the rear elevation of this neighbouring property and would be located at an angle and height significantly above the main windows serving this neighbouring building. The rear elevation of the building would be some 25.5m from the rear boundary with no.7 Hilton Road and no windows are proposed facing Barclays Court.

The latest plans show the access ramp to be sited a minimum 12.0m away from the rear elevation of Lombard Court at its highest point on the rear elevation of the proposed building. At this point the ramp would be approximately 6.5m higher than the level of the land at the rear boundary of this neighbouring property and 1.5m higher than the eaves level of this neighbouring building. The ramp then has a gradient of 1m in every 20m meaning that it reaches a level below the ground level of no.4 Sandford Road at its nearest point to the boundary with this property. I am also conscious that there will be some noise from vehicles using the ramp although this will be limited given the number of vehicles likely to be using the ramp and the gradient of the ramp. I note that Public Protection consider there are unlikely to be any adverse environmental protection issues.

I am satisfied that given the shape and height of the ramp, the ground levels and distances between these properties, and the likely level of activity on the ramp, this feature of the design is acceptable and these factors are sufficient to ensure that the impact of this ramp on these neighbouring residential properties will not be so significant so as to warrant a refusal of planning permission. I have no concerns with regards to the relationship of the ramp with properties at Barclays Court and 7 Hilton Road given the distance and orientation of the ramp in relation to these properties.

Given the above factors I am satisfied the proposal would not result in any undue overbearing, overshadowing or overlooking impacts on neighbouring properties.

I note concerns raised with regards to the potential for vehicle lights from the proposed ramp towards neighbouring properties. Given the shape of the ramp which curves away from the boundary with Lombard Court, the 0.9m barrier wall proposed to the edge of the ramp, that lights towards 4 Sandford Road would be at a significant distance from the windows on this property and would be below ground level closer to the boundary with this neighbour, and the distance and relationship

with habitable windows on other neighbouring properties, I consider it unlikely that there will be any significant adverse impact from vehicle lights on these neighbouring properties. The Design and Access statement confirms that lighting to the ramp itself would be set at low level within the barrier wall. I also consider lighting to the proposed car park should also be of a low level (e.g. bollard style lighting) to reduce to potential for light to spill onto neighbouring properties. Precise details of lighting to ramp and car park can be conditioned as part of any consent.

I am mindful of the comments received relating to the extent of the car parking and its position in relation to the boundary with neighbouring properties. A revised Lower Ground plan was submitted on 18th July 2013. The revised plan shows a reduction in the number of car parking spaces and subsequent deletion of some of the spaces closest to neighbouring boundaries and a subsequent increase to the landscaping adjacent to neighbouring boundaries.

With regards to the proposed levels of the car park and its relationship with neighbouring properties, I am satisfied that the level differences between properties are acceptable and will not unduly impact on neighbouring amenity. In particular I note the levels to the rear garden at Lombard Court. The proposed car park would be approximately 0.75m higher than the neighbouring ground level. I have also inspected the level of land at Lombard Court on site and whilst there is a gentle slope along the rear boundary of this property, the change in level between the south western corner and north eastern corner of this boundary is no greater than approximately 0.5m. A condition can be attached to any consent to state that the boundary treatment to this boundary is not as set out on the submitted plans and that precise details be submitted to address any change in level. I consider it likely that a boundary treatment on the Lombard Court site consisting of a retaining wall and boundary treatment totalling between 2.5m and 2.8m in height would be sufficient to prevent any undue overlooking impact on this property and I am satisfied that such a boundary treatment would not unduly impact on the amenity of this neighbouring property. Any impact on the existing garages at Lombard Court including access for maintenance of these garages would be a private legal matter.

With regards to other neighbouring boundaries, the submitted plans again show 2.0m boundary treatments measured from neighbouring land levels and a hedge to the boundary with no.7 Hilton Road is to be retained. Precise details of boundary treatments can be conditioned and details of any works to the existing hedge can also be subject of a condition.

Landscaping and Impact on protected trees

Policy ENV2 of the Replacement Local Plan states that where landscaping is required as part of a new development it should complement the buildings on site, where possible retain, incorporate and enhance established features, reflect the character of the surrounding landscape, provide effective all year round screening when required, use native species where practicable, where possible create new or enhance existing features of nature conservation value and incorporate the use of appropriate species on defensible boundaries in an attempt to prevent crime.

Policy ENV47 of the Replacement Local Plan states that development will not be

permitted if it would damage or destroy one or more trees protected by a Tree Preservation Order unless the removal of such trees would be in the interests of good arboricultural practice, or result in development which outweighs the amenity value of the protected trees, or not have a seriously detrimental effect on the visual amenity of the area.

Removal of the protected trees to the boundary with Porchester Road is required to enable development of the site. The County Council's Forestry Manager has advised that the trees are now entering the final phase of their collective safe retention. I therefore consider the removal of these trees would be in the interests of good arboricultural practice. Whilst the possibility of replacement trees has been explored both in terms of tree planting to the earth bank to the front of the site and potential street trees on highway land, a solution for replacement planting has not been found. The proposed earth bank would not provide suitable ground for root systems to establish themselves and trees on the footway would obscure visibility for drivers approaching Porchester Road from the application site, Sandford Road and Hilton Road. The removal of these trees to enable development of the site, without replacement, would assist in increase the supply of homes in Gedling Borough which is a key objective of national planning policy. The site has also been derelict for several years and there have been problems of anti-social behaviour. Development of the site would therefore also assist in reducing the risk of crime. On balance, I consider these considerations outweigh the amenity value of the protected trees.

A condition can be attached to any consent requiring a method statement for the removal of the trees to ensure the stability of land on the application site and adjoining highway is not unduly impacted upon.

Given the constraints of the site and that a communal building has been designed to make the most efficient use of the site, the need to provide an appropriate level of car parking has restricted the level of soft landscaping that can be provided. In any case any landscaped area would be a shared amenity space and potential occupants might be dissuaded from using this space given it borders the proposed parking area and is not private.

The revised car park layout for 20 spaces has provided an opportunity to increase the depth of soft landscaping towards the rear boundary of the site and I am satisfied that this will provide some visual relief from the hard surfacing proposed. The revised plans indicate that all planting shown is indicative of soft planting and therefore not necessarily trees. Final details of soft landscaping can be controlled by condition and consideration can be given as to whether defensive shrubbery might be more appropriate than trees bearing in mind the proximity to the hard surfaced car park and the need to ensure any trees can be planted with an opportunity to establish themselves. With regards to the concerns relating to the removal of Japanese Knotweed from the site, any landscape condition can also require a method statement for the removal of any invasive plants from the site.

A condition would need to be attached to any consent requiring details of maintenance to soft landscaped areas.

Highway and access issues

Policy T10 of the Replacement Local Plan requires reference to be made to the Highway Authority's highway design and parking guidelines when considering proposals for new development.

Under the Borough Council's 'Parking Standards for Residential Developments' the minimum parking requirement for this proposal would be 20 spaces if each dwelling is allocated 1 space or 18 spaces if all spaces are unallocated spaces. This is based on a development which counts the proposed studios as bedrooms given their potential to be used as such. I note the proposed parking is for 20 spaces and provided any consent is conditioned to ensure the parking spaces are unallocated, the number of spaces exceeds the minimum requirement for spaces to serve this development.

Concerns have also been raised by members of the public as to the safety of the vehicular access ramp and whether there should be a speed limit. The Highway Authority has not raised any concerns subject to the proposals being implemented in accordance with the gradients shown on the submitted plans. I also consider that the shape of the ramp will lead to drivers needing to reduce their speed. With regards to the use of the ramp in icy conditions, the Design and Access Statement confirms that surfacing of the ramp will be such that it provides a rough surface and also that a management company will be set up to distribute salt in severe conditions. Means of anti-skid surfacing of the ramp and details of salt and grit boxes and their location to ensure their availability for residents/staff of any management company can be conditioned as part of any consent.

With regards to the concerns raised in relation to the security of the access and the design of the access gates, a condition can be attached to any consent requiring precise details of the gates and their operation to be submitted.

I have sought the verbal advice of the Borough Council's Building Control Team in relation to access for emergency vehicles and I have been advised that any fire could be tackled from the front of the building. I also note all properties have ground floor front door access.

I am mindful of the comments of the Forestry Manager and their concerns about the removal of the protected trees to the boundary with Porchester Road and the impact this could have on the stability of land supporting the adjoining highway. I consider that a condition should be attached to any consent requiring a method statement for the removal of the trees to be submitted prior to the commencement of any works. This information can then be passed on to the Highway Authority for comment before any such details are approved.

Other issues

I note that the latest plans indicate bin storage to the front of the proposed properties. However, the only pedestrian access to the front of the properties on Porchester Road appears to be a stepped access. Such an access would also restrict access for users of the building. A condition can be attached requiring precise details of ramped access with balustrades to facilitate access to the building

and aid refuse collection.

I note the comments raised in respect of the potential for subsidence and comments received relating to compensation for any damage to cars or properties on neighbouring sites caused by development of the application site. Such issues are private legal matters and not material planning considerations in the determination of this planning application.

With regards to concerns raised in respect of surface water drainage on the site, precise details of drainage can be required by a condition attached to any consent in line with the advice of Severn Trent Water. Any drainage scheme can be designed to ensure water does not runoff onto neighbouring land. Similarly the design details for drainage of the access ramp can be subject to a condition.

With regards to the comments of the Environment Agency the application site is not located within the Flood Zone.

Section 106 Agreement

The applicant has confirmed they are willing to enter into a Section 106 Legal Agreement with the County Council as Education Authority in respect of the requested contribution towards primary school places and the County Council have drafted an agreement. Work towards completing the Legal Agreement could take place should the Committee resolve to support a recommendation to grant conditional planning permission and the formal decision issued once the agreement is in place. The applicant has agreed for an extension of time for the determination of the application to the end of 2013 in order to allow this work to take place.

Conclusion

On balance, given the above considerations, I am satisfied that the proposed development makes effective and efficient use of the application site whilst having an acceptable relationship with the character of the area, the amenity of neighbouring residents and the adjoining highway. The development of the site for housing would increase the supply of homes in Gedling Borough and reduce the potential for crime on a site which has experienced problems of anti-social behaviour outweighing the amenity value of the protected trees which need to be removed to facilitate development. The proposal therefore complies with the National Planning Policy Framework (2012) the emerging Aligned Core Strategy and Policies ENV1, ENV2, ENV47, H7, H16 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Recommendation:

To GRANT PLANNING PERMISSION subject to the applicant entering into a Section 106 Agreement with the County Council for a contribution towards Education and 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 approved, other than the means of enclosure of the site and the details of new tree planting adjacent to the boundary with Porchester Road shown on the submitted plans, shall be built in accordance with drawing nos.0001 Rev A, 0011 Rev A and 0006 Rev A received on 15th April 2013, drawing nos.0100 Rev A, 2000 Rev A, 0004 Rev C, 0005 Rev B, 0008 Rev B, 0009 Rev C received on 11th June 2013, drawing no. 0010 Rev C received on 20th June 2013 and drawing no.0003 Rev D received on 18th July 2013.
3. Before development is commenced a sample of the materials to be used in the external elevations of the building, including to the exterior wall of the proposed vehicular access ramp, shall be submitted to and approved in writing by the Borough Council.
4. Before development is commenced precise details of the materials to be used in surfacing of external areas outside of the building including anti-skid surfacing to the proposed ramp shall be submitted to and approved in writing by the Borough Council.
5. The development shall be completed in the external elevation materials and the surfacing materials approved under Conditions 3 and 4 of this consent.
6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water (including to the proposed car park and vehicular access ramp) and the disposal of foul sewage from the site and buildings/structures have been submitted to and approved by the Borough Council.
7. The development shall be completed in accordance with the drainage plans approved under condition 6 of this consent.
8. Before development commences a method statement setting out measures to ensure the safe removal of the trees to the boundary with Porchester Road shall be submitted to and approved in writing by the Borough Council.
9. The trees to the boundary with Porchester Road shall be removed in accordance with the method statement approved under condition 8 of this consent.
10. Before development is commenced, notwithstanding the details of enclosure shown on the approved plans, there shall be submitted to and approved by the Borough Council precise details of the means of enclosure to the site including any works to the hedge to the boundary with no.7 Hilton Road.
11. The means of enclosure shall be erected in accordance with the details approved under condition 10 of this consent and retained at all times unless alternative means of enclosure are agreed in writing with the Borough Council.

12. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing precise details of retaining structures adjacent to neighbouring boundaries, the position, type and planting size of all trees and shrubs proposed to be planted including where appropriate details of existing trees to be felled and retained, and details of how any invasive plants (e.g. Japanese Knotweed) shall be removed from the site.
13. Before development commences precise details of internal and external lighting to the proposed car park and access ramp shall be submitted to and approved in writing by the Borough Council.
14. Any internal or external lighting serving the car park and vehicular access ramp shall be retained and maintained in accordance with the details approved under Condition 13 of this consent.
15. Before development is commenced, details of an access ramp with balustrade to facilitate pedestrian access onto Porchester Road shall be submitted to and approved in writing by the Borough Council.
16. The pedestrian access ramp onto Porchester Road shall be provided in accordance with the details approved under Condition 15 of this consent prior to the occupation of any of the approved dwellings.
17. Before development is commenced precise details of the proposed access gates, which shall be electronic and shall open into the site, together with details of CCTV to monitor access and egress shall be submitted to and approved in writing by the Borough Council.
18. The details of the vehicular access gates and CCTV system approved under condition 17 of this consent shall be installed prior to the occupation of the first dwelling and shall be operational and maintained in accordance with the approved details thereafter.
19. Before development is commenced a schedule indicating how the proposed soft landscaping is to be maintained shall be submitted to and approved in writing by the Borough Council. The schedule should cover a minimum period of five years. Any planting material that becomes diseased, dies or is damaged shall be replaced with a suitable plant of similar size and species within the next available planting season.
20. The works to trees on the site shall take place outside the bat activity and bird nesting season (March to October inclusive) unless an ecologist has surveyed the trees prior to any such works commencing and details of the ecologists recommendations have been submitted to and approved in writing by the Borough Council.
21. Before development is commenced precise details of bird boxes to be installed as part of the development, as recommended at Paragraph 6.1.3 of

the Protected Species Survey (January 2011) submitted as part of this application, shall be submitted to and approved in writing by the Borough Council.

22. The bird boxes approved under condition 21 of this consent shall be installed prior to the occupation of the first dwelling and shall be retained in accordance with the approved details at all times.
23. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council.
24. No part of the development hereby permitted shall be brought into use until the existing dropped kerb access on Sandford Road that has been made redundant as a consequence of this consent has been reinstated with full height kerbs constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council.
25. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4 x 43m in both directions as shown on drawing no: (0004 Rev C) are provided.
26. No part of the development hereby permitted shall be brought into use until the access to the car parking areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
27. No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary, and never exceeding 1:12 thereafter, as shown on plan ref: 0004 Rev C.
28. No part of the development hereby permitted shall be brought into use until the motorcycle and cycle parking facilities as indicated on drawing no 0003 Date rev D have been provided. The motorcycle and cycle parking facilities shall not thereafter be used for any purpose other than the parking of motorcycles and cycles.
29. The development shall not be occupied until the car parking area has been surfaced and drained and the individual parking spaces clearly marked out as per drawing no.0003 Rev D. The spaces shall be kept available for unallocated parking in association with the development thereafter.
30. Any planting along the frontage of the site shall not be planted as to cause visibility concerns for cars exiting the access to the parking area.
31. Before development commences precise details of salt and grit boxes to be provided as part of the development and the proposed location of these features shall be submitted to and approved in writing by the Borough

Council. The salt and grit boxes shall be provided in accordance with the approved details prior to the first occupation of the development hereby approved and shall be retained thereafter in accordance with the approved details for the life time of the development.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. In order to ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. In order to ensure that the site and in particular the ramp (which should have a rough surface) are surfaced in appropriate materials so that the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
5. In order to ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and to reduce the risk of flooding.
6. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
8. In the interests of public safety and to ensure the structural stability of the adjoining highway is retained.
9. In the interests of public safety and to ensure the structural stability of the adjoining highway is retained.
10. In order to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
11. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
12. In order to ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough

Replacement Local Plan (Certain Policies Saved 2008).

13. In order to protect neighbouring amenity and ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
14. In order to protect neighbouring amenity and ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
15. In order to ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
16. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
17. In the interests of crime prevention in order to ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
18. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
19. In order to ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
20. In order to ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
21. In order to compensate for the loss of bird nesting provided by trees and shrubs to be removed as part of the development in accordance with the guidance set out at Paragraph 118 of the National Planning Policy Framework (2012).
22. In order to ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
23. In the interests of Highway safety.
24. In the interests of pedestrian and highway safety.
25. In the interests of pedestrian and highway safety.
26. To reduce the possibility of deleterious material being deposited on the public

highway (loose stones etc.).

27. In the interests of pedestrian and highway safety.
28. To promote a sustainable development.
29. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
30. In the interests of Highway safety.
31. In the interests of highway safety.

Reasons for Decision

In the opinion of the Borough Council the proposed development makes effective and efficient use of the application site whilst having an acceptable relationship with the character of the area, the amenity of neighbouring residents and the adjoining highway. The development of the site for housing would increase the supply of homes in Gedling Borough and reduce the potential for crime on a site which has experienced problems of anti-social behaviour outweighing the amenity value of the protected trees which need to be removed to facilitate development. The proposal therefore complies with the National Planning Policy Framework (2012) the emerging Aligned Core Strategy and Policies ENV1, ENV2, ENV47, H7, H16 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

Your attention is drawn to the attached comments of the Police Architectural Liaison Officer which includes information relating to the access gates to be considered under condition 17 of this consent as well as the recommendation that all ground floor doors and windows are to Secure by Design standards and fitted with laminated glazing.

Your attention is drawn to the attached comments of the Nottinghamshire Wildlife Trust and in particular the reference to the advice as set out in Paragraphs 6.1.1, 6.1.2 and appendix 1 relating to working procedures to protect badgers and bats.

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. 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.

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.

This decision is subject to a Section 106 Agreement.

You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.

The proposal makes it necessary to construct a vehicular crossing and reinstatement of redundant crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.

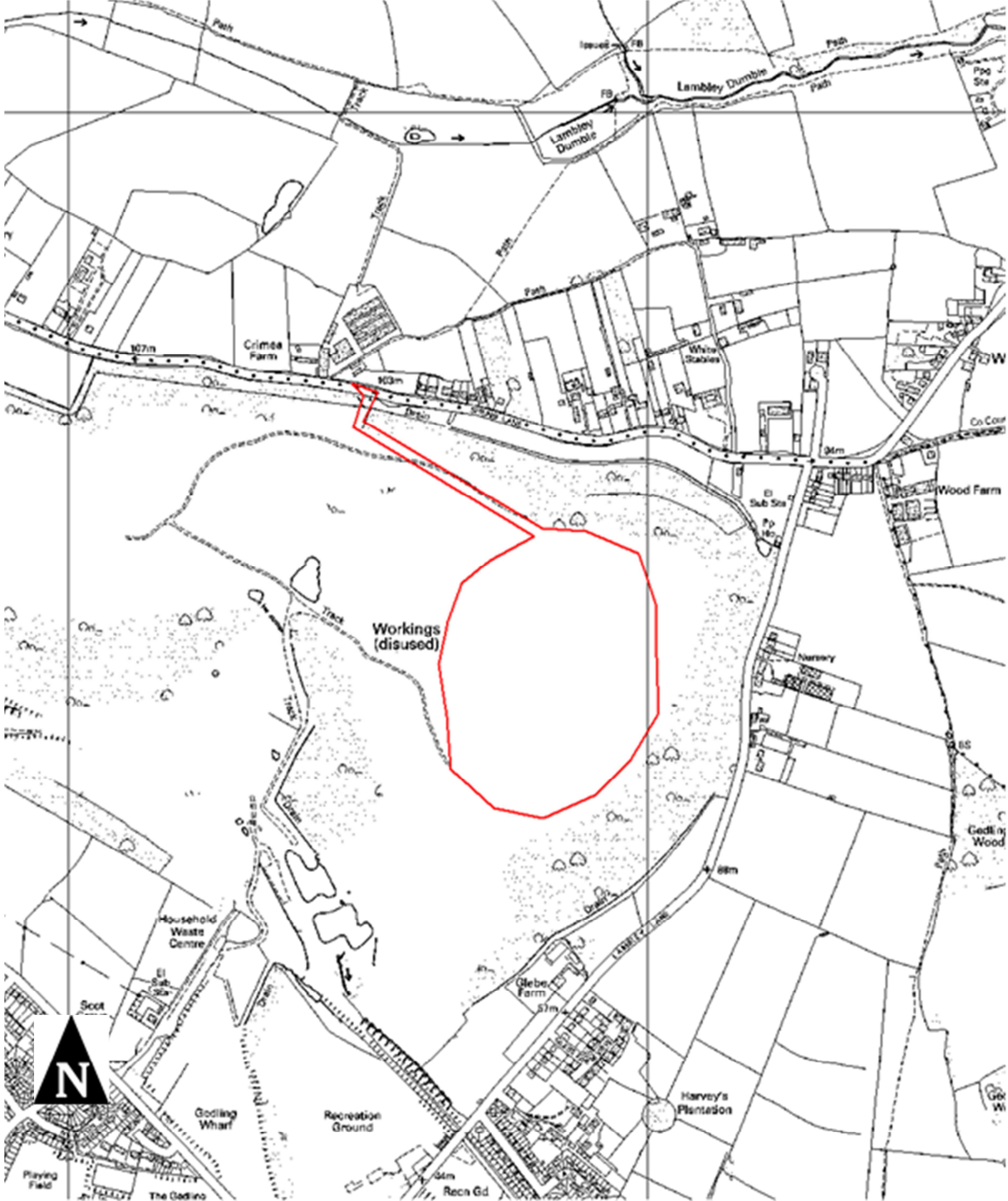
The new tree planting to the front of the building shown on drawing no.0004 Rev C does not form part of this approval and details of this tree planting are not required as part of Condition 12 of this consent.

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Application Number: 2012/1335

Location: Former Gedling Colliery, Arnold Lane, Gedling.



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

| | |
|----------------------------|---|
| Application Number: | 2012/1335 |
| Location: | Former Gedling Colliery, Arnold Lane, Gedling, Nottinghamshire. |
| Proposal: | Solar Farm |
| Applicant: | Mr Michael Annis |
| Agent: | Ms. Helen Forsyth |

Site Description

The application site is approximately 14 hectares in size and comprises part of the former Gedling Colliery site, which has been restored since mining ceased in November 1991. Apart from the access onto Spring Lane and the route of a temporary construction road, most of the site is located on the upper part of the former colliery spoil tip, which now consists of a plateau covered predominantly by rough grassland and small areas of wetland. The plateau is known as Wicketwood Hill.

There are three groups of existing trees around the site, although only one of these is within the site boundary. These trees were planted as part of the former colliery restoration works to the northern and eastern sides of the former spoil tip.

Spring Lane and Lambley Lane lie to the north and east respectively, both of which have sporadic pockets of residential and business properties. Further to south and west, around the edge of the former Gedling Colliery, lies the main urban conurbation of Gedling, Carlton and Mapperley.

The site and wider area of the former colliery spoil tip is allocated in the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) as Protected Open Space in conjunction with the proposed Gedling Colliery Park and as part of a Sub-Regional Green Infrastructure Corridor in the Gedling Borough Aligned Core Strategy Submission Documents.

The site and wider area of the former colliery spoil tip is also a Nottinghamshire Biodiversity Action Plan priority habitat (Urban and Post-industrial habitat).

Relevant Planning History

In September 2012, the Borough Council issued a Screening Opinion stating that it did not consider that the proposed development would give rise to any significant

effects on the environment so as to require an EIA.

As a consequence, the Borough Council did not consider that any subsequent planning application for the proposed development should be accompanied by an Environmental Statement.

In April 2013, planning permission was granted for the Gedling Country Park, under planning application no: 2012/1456. The application site for the Country Park excluded the plateau area on top of the former spoil tip to which the current planning application refers.

Proposed Development

The proposal is for the construction of a solar photovoltaic (PV) farm, with an installed electricity generation capacity of 5.5 MWp, capable of generating approximately 5 million kWh of electricity per annum. It would include 23,328 by 240W solar panels, 3 associated central inverter stations (each comprising two inverters and one transformer) and an exit point sub-station building, a security fence, CCTV and associated underground cabling and access road, with access off Spring Lane.

The proposed layout comprises one compound area with the proposed solar panels installed in arrays on an aluminium framework of 48 panels each, elevated to an angle of 25 degrees and mounted facing due south. The solar panels would be blue-black in colour, and covered with non-reflective material to allow as much light as possible through to the PV cells and to minimise glare. The lower edge of the proposed panels would typically be about 0.6 of a metre off the ground and the upper edge about 2.5 metres, with a front to back width of approximately 3.8 metres.

The tables would be bolted to galvanised steel stanchions, which would be pile-driven into the ground to a depth of up to 2 metres. They would be laid out in rows, running east-west across the site, approximately 7 metres apart. Cable trenches would be laid along the rows to a depth of 0.7 of a metre, the upper parts of which would be back filled with native soil.

The direct current (DC) from the proposed panels would be converted to alternating current (AC) within 3 inverter sub-stations located along a central site axis within the site compound. Including bases, these would measure 10.7 metres by 5.2 metres by a maximum of 2.34 metres high.

The AC voltage from the inverters would be stepped up by transformers in the inverter sub-stations and would then be fed to another sub-station located at the compound site boundary. This would measure 8.3 metres by 5.2 metres by 3.92 metres high. The output would be exported to the grid via either an underground cable or overhead line, to be installed under existing permitted developments rights for Distribution Network Operators or may need to be the subject of a separate planning application, depending on the final design.

The compound would be enclosed by palisade security fencing, powder coated green, and measuring a maximum of 2 metres in height to ensure that it cannot be

accessed by the general public. Day and night CCTV with infrared would be mounted on 3 metres high poles around the perimeter of the proposed development. No artificial lighting is proposed.

During the construction and operation phase, vehicular access would be gained via the proposed access point off Spring Lane. The proposed access road runs in a north-west direction from the proposed compound area, joining Spring Lane to the west of the existing belt of trees adjacent to the northern boundary of the former colliery.

The proposed access mirrors that approved as part of the proposed Gedling Country Park in April 2013, under planning application no: 2012/1456 and the temporary construction access road and HGV turning area would be within the proposed Country Park. It is anticipated that the temporary construction access would be required for approximately 5 months, although access to the proposed compound would need to be retained from the proposed Country Park access or car park to allow on-going maintenance and security. This would be the subject of a separate agreement between landowners.

It is anticipated that the construction period, including access routes, erection of security fencing etc. will last for approximately 10 weeks, with activities taking place between 07:30-19:30 hours Monday to Friday and 07:30-13:00 hours on Saturdays with no working on Sundays.

Once the proposed installation is operational, it will be unmanned and monitored remotely. The Security, Control and Data Acquisition system allows intruders, faults and under performance to be identified immediately and alarmed to site management.

The application is accompanied by a Design and Access Statement, Planning Statement, Extended Phase 1 Habitat Survey, Landscape and Visual Appraisal, Flood Risk Assessment, Phase 1 Preliminary Risk Assessment and a Transport Statement.

The solar panels are designed with an operational life of 25 years. At the end of the lifespan of the solar panels, the solar farm would be dismantled and removed, prior to the site being restored.

With regard to the proposed Gedling Country Park, it is suggested by the applicant that the proposed development is complementary to the Council's proposals for the following reasons:

- Installation of renewable technology, which would act as a point of interest for users of the existing open space/potential country park;

- Potential to incorporate educational benefits, such as educational site visits and/or information boards;

- Ensuring the site is well managed through regular surveillance by means of 24 hour CCTV, increasing the security of the Proposed Development and wider area

for users of the open space;

Potential to enhance biodiversity through the maintenance and creation of habitats, where appropriate; and

Restoring the site to its current use at the end of the useful lifespan of the PV technology.

For these reasons, it is considered that the proposed development represents a complementary use that would not conflict with the intentions of the Council to create a Country Park on the remainder of the former Gedling Colliery site.

Revised Plans & Additional Information

Although the area within which the solar arrays are proposed to be sited has not changed, revised site layout and junction layout plans have been submitted, showing minor changes to the proposed access, visibility splays, internal road and turning area to serve the proposed development. The overall module layout has also been revised during processing of the application.

Whilst an Outline Draft Ecological Mitigation Strategy was submitted in January 2013, further ecological survey work has been undertaken following discussions and an Extended Phase I Habitat Survey (including Desk Study) was submitted in June 2013. The report details the habitats found on site and results of the bird breeding surveys, reptile and amphibian surveys and invertebrate surveys.

Although the main content/assessment within the report remains the same, this was subsequently updated to include additional paragraphs detailing what additional planting is proposed to enhance grassland and providing additional details on what mitigation measures are proposed to enhance the site for birds, reptiles and amphibians, including:

Areas where soils disturbance has taken place to be seeded with appropriate wildflower mix (as detailed in paragraphs 5.2.1 and 5.2.4 of Revised Survey)

Sensitive mowing regime, to include strimming beneath panels rather than use of herbicide, plus once a year grass cut in early to mid-September in other areas, with cuttings removed (paragraph 5.2.1)

Erection of three pole mounted nesting boxes (paragraph 5.2.2)

S.106 agreement to contain provision for ecological enhancement of nearby habitat to compensate for the anticipated impact on specified breeding birds (paragraph 5.2.2)

Post construction monitoring for two years commencing 6 months after completion of the project (paragraph 5.2.2)

Creation of three hibernacula/basking mounds (paragraph 5.2.3)

A revised Landscape and Visual Appraisal has also been submitted in response to the comments made by the County Council Landscape Section (see below).

A Technical Briefing by the applicant and agents was held for members of the Planning Committee and Portfolio Holder on 15th July 2013. This was also open for attendance by members of the public.

Consultations

Local residents have been notified by letter, site notices have been posted and the application has been publicised in the local press.

Local Residents – I have received 48 letters and emails in response, which raise objections to the proposed development, which can be summarised as follows:

Ecological Issues

This open conservation grassland site with areas of shallow wetland has become an important habitat for some declining and threatened wildlife species [which have been listed in detail] and the proposed development would do irreparable ecological damage to this precious wildlife haven.

The site is a place of ecological merit, rare wetlands and an acknowledged area of conservation for many invertebrates, flora and fauna [which have been listed in detail].

The site is ecologically important for ground nesting and over-wintering birds [which have been listed in detail], due to a low level of disturbance and an abundance of prey species. This combination is unique in Nottinghamshire and as an important wildlife and ecological habitat it is on a par with Attenborough, Netherfield Lagoons and Sherwood Forest and its Heathlands.

The whole of the former Gedling Colliery site is extremely large and a less ecologically sensitive and unique area, such as the north-western corner, should be found within it to accommodate the Solar Farm. Pursuing the eastern plateau as an option without having a full Environmental Impact Assessment would be an act of ecological vandalism.

There has been no ecological survey or breeding bird survey, and the application should not be considered before an independent biological survey has been completed and any mitigation measures proposed.

The woodland leading to the Mapperley Tunnel is semi-natural and notified as a botanical Site of Importance for Nature Conservation. It has been noted by Natural England as being crucial to the bat colony occupying the tunnel, and a number of bats have been noted feeding over the ponds on the former Gedling Colliery site.

The Spring Lane hedgerow, where the site access is proposed, has local historical and archaeological significance and contains a number of ancient

woodland species [which have been listed in detail].

The site has the potential to be the best visible migration watchpoint in Nottinghamshire.

It is a diverse wildlife site that the Borough Council should be proud to protect and conserve for the local community to enjoy, rather than to despoil with the proposed development.

This is the wrong location for such a large development in an area with such diverse wildlife. Green energy is valuable, and alternative sources of power are needed, but this becomes environmentally disastrous if installations are poorly located.

A more appropriate location would be to site the proposed development at a local airfield or airport, where birds are a potential danger, and to retain this local wildlife habitat. Another alternative would be on the farmland surrounding the former Gedling Colliery, which does not support such a diverse wildlife population.

Landscape & Visual Impact Issues

The beauty of the former Gedling Colliery site is the panoramic views it offers of the surrounding area and sense of wilderness it offers. The proposed Solar Farm would inevitably compromise the essence of this area and the Borough Council's proposed Country Park, which is greatly anticipated and appreciated.

One of the main attractions is the view available from the site of the proposed development across the Trent Valley as far as Belvoir Castle, Newark and Lincoln and there are few accessible places in the County which provide such an attractive prospect. It is disappointing to see that this viewpoint would be lost to the proposed Country Park as a consequence of the proposed development.

The proposed development would occupy a large central plot within the wider area that has been designated as a Country Park, and the installation would be surrounded by a 2 metres high security fence. This would have a negative visual impact on the proposed pedestrian paths within the proposed Country Park and would spoil the potential appeal of the Park for many people. Visitors bring money, which could be re-invested into the Park's ongoing maintenance and development, and reducing the liability to local taxpayers.

The proposed development would be a blight on the landscape. It would have an unsightly industrial appearance and be sited in a prominent location, which would be visible from long distances, especially from houses to the south which directly overlook the former Gedling Colliery.

Siting this industrial development within a proposed Country Park is incompatible and would be contrary to the designation of the former Gedling Colliery for a Country Park in Policy ENV44 of the Replacement Local Plan.

Gedling pit top has become a much valued unofficial resource to the local residents, including youngsters, who have established access routes to enjoy this area.

Photographs showing the proposed site do not appear to include views from Lambley Lane, specifically Glebe Farm View, which possesses a more elevated view of the pit top.

Policy Issues

The National Planning Policy Framework (NPPF) provides clear guidance for the development of renewable energy as well as for the protection and enhancement of biodiversity.

The NPPF does not suggest that all renewable energy applications should be approved, but that local planning authorities should consider identifying suitable areas for renewable and low carbon energy sources.

The NPPF refers to measures to minimise the impacts on biodiversity and that the planning system should contribute to and enhance the natural and local environment by a number of means.

Policy R1 of the Replacement Local Plan gives protection for open space and the proposed development fails to meet any of the exceptions to this policy.

Policy 17 of the Aligned Core Strategy states that biodiversity will be increased over the Core Strategies period by protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of habitats and species listed in the UK and Nottinghamshire Biodiversity Action Plans. Policy 17 goes on to state that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place. As the site meets these criteria, the developer has to demonstrate an overriding need for the development and provide adequate mitigation.

Whilst there is a presumption in favour of sustainable development, a development that effectively destroys 14 hectares of important habitat with high biodiversity cannot be considered as sustainable.

When determining the application to erect two wind turbines at Stoke Bardolph, the Borough Council considered that the 'very special circumstance' of generating renewable energy would not outweigh the harm to the Green Belt. The estimated electricity output from the proposed Solar Farm is considerably less than that which would have been generated by the wind turbines.

Whilst not in the Green Belt, the status of the former Gedling Colliery as protected open space ought to afford it a level of protection at or above that of Green Belt land.

Other Issues

The calorific value of the colliery spoil suggests that there is a significant risk of combustion at locations across the site within the deposited spoil materials, which could represent a hazard to future site users and adjacent properties.

It would appear that publicity and consultation about this proposal has been inadequate and has not reached many of the local people in the Gedling area. Insufficient time was given to respond.

It is likely that there will be considerable glare and reflection from the proposed panels into nearby residential properties.

Concern is expressed about the possible health implications of Solar Farms, which have yet to be quantified and may be similar to those posed by electricity pylons. It is unclear from the submitted plans as to where the electricity pylons and other infrastructure are to be located.

The stability of the slopes, and the east tip in particular, is dependant on surface water management across the site. The erection of a large number of solar panels would have a significant impact on this, which should be considered prior to determination of the application.

There is no guarantee that the applicant will be able to re-instate and return the site to its original use after 25 years, which may become an expensive legacy for the Council.

The site has subsidence and radon gas emission. Electricity and a flammable gas does not seem compatible.

The proposed development may adversely affect future house values in the surrounding area.

The application is made a for-profits company, not even based in Nottinghamshire, never mind Gedling Borough. There appears to be no sustainable employment to be created, ignoring local needs. The site should be offered to a locally created community enterprise that benefits the local community.

The Borough Council should listen to what local people say on important local planning issues.

I have received 2 emails of representation in support of the proposed development, which can be summarised as follows:

Whilst this application will cause a great deal of concern to local naturalists, the ecological report correctly evaluates the area as being of low botanical interest. Climate change is a serious threat and overrides the limited interest nature conservation of the site, which could through good design be mostly retained and enhanced. Applications like this must not be unduly bogged down or delayed.

It is hoped that the applicant could retain the rough grassland and retain and enhance the scrapes, which would demonstrate that such sites could enhance nature rather than destroy it and thus make future development of this type more acceptable and truly sustainable.

Provided the proposed Solar Farm can be properly integrated with the proposed Country Park, it would be an ideal compromise/solution for the use of the site as a whole.

I have also received 3 emails of representation which make neutral comments and which can be summarised as follows:

As there are already energy companies benefiting from this land, it would be appreciated to see financial support towards the proposed Country Park. It is unusual to have a site such as this so close to the edge of the city and effort should be made to ensure that this lucrative site benefits everyone.

Whilst the proposed Solar Park is a good idea, photographs showing the proposed site do not appear to include views from the new Taylor Wimpey development off Spring Lane, and the visual impact of the proposal from this development should be taken into account.

The location of the site given in the application is ambiguous and misleading.

Following re-consultation on the revised plans & additional information, I have received 4 further emails re-iterating some of the above objections and adding, in summary, that:

Whilst there are positive proposals about erecting nest boxes and other attempts to minimise ecological impact, the proposed development remains inappropriate within a proposed Country Park and an important wilderness area, and the impact does not disappear.

Local residents have not been re-consulted following receipt of the additional paragraphs to the Extended Phase I Habitat Survey (including Desk Study), detailing what additional planting is proposed to enhance grassland and providing additional details on what mitigation measures are proposed to enhance the site for birds.

Lambley Parish Council – no objections.

Natural England (NE) – comments that this proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.

However, using NE's national standing advice, the local planning authority should assess protected species surveys and mitigation strategies when determining this application.

Notwithstanding the above, NE advised that further survey effort was required for

Great Crested Newts.

Nottinghamshire County Council (Nature Conservation) – was initially unable to support the proposed development on the grounds that:

The ecological information submitted amounts only to an Extended Phase I Habitat Survey.

No consultation with the Nottinghamshire Biological and Geological Records Centre had been carried out.

The survey report recommends a number of further surveys, which had not been undertaken.

No proper assessment of impacts had been carried out and no details of mitigation/compensation were provided.

Following re-consultation on the additional ecological information, the County Council is now satisfied that this application is supported by sufficient ecological survey work, allowing the ecological impact of the proposals to be properly considered. In particular, surveys for breeding birds, amphibians and reptiles have now been completed. It should be noted that wintering bird surveys have not been carried out, but bird records have been obtained from the Nottinghamshire Biological and Geological Records Centre.

No evidence of protected species (reptiles, amphibians or badgers) was found during the site surveys, and these are not considered to be a constraint on the development. However, the principle impact arising from the proposal relates to ground nesting birds which currently use the site - 5 pairs of lapwings, 9 pairs of skylark and 3 pairs of meadow pipit (all red or amber listed species of conservation concern), and also wintering birds (including snipe, jack snipe and short-eared owl). The precise impact of the development on these species is unknown, but it appears likely that a significant proportion of those birds currently using the site will be displaced from the application area, post-construction.

On this basis, it is the County Council's opinion that it is necessary to secure appropriate mitigation and compensation works, as per the requirements set out in paragraph 118 of the NPPF (which outlines the mitigation hierarchy). A range of measures are proposed, including the provision of off-site works, and it is recommended that the measures discussed to date (namely, the funding of works on a parcel of land adjacent to the Netherfield Lagoons Local Nature Reserve), are secured through an appropriate mechanism. Although such work will not deliver like-for-like compensation (the wetland habitat to be created will not be suitable for skylark or meadow pipit), it is likely to provide good breeding habitat for lapwings (and other wader species such as little ringed plover), and winter habitat for the two snipe species.

A range of additional on-site mitigation measures are proposed, to enhance the value of the site post-construction. Planning conditions should be used to secure these measures, as follows:

The undertaking of vegetation clearance works outside the bird nesting season (which runs from March to August inclusive), unless otherwise approved following a survey of the site and the submission of mitigation measures by an ecologist, as per section 5.2.2 of the SLR report (third paragraph).

The erection of three nest boxes (2 for barn owl, 1 for kestrel), as per section 5.2.2 of the SLR report (first paragraph).

The undertaking of post-construction monitoring of birds, as per section 5.2.2 of the SLR report (final paragraph).

The creation of reptile hibernaculae, as per section 5.2.3 of the SLR report.

Works to enhance the retained grassland beneath the solar arrays, to include a sensitive mowing regime and reseeded of disturbed areas. In addition, I would recommend that the whole area is over-seeded with a wildflower seed mix to raise its botanical diversity. Further details (including species mixes) should be submitted within a habitat management plan, to be produced within 3 months of development commencing.

With the delivery of the on-site habitat enhancement works and the provision of off-site habitat creation, the view of the County Council is that the impacts arising from this development can be sufficiently mitigated against/compensated for.

Nottinghamshire Wildlife Trust (NWT) – – initially objected to the proposed development on the grounds that:

Incongruous location for a proposal of this type.

The ecological information submitted amounts only to an Extended Phase I Habitat Survey.

No consultation with the Nottinghamshire Biological and Geological Records Centre had been carried out.

Further surveys had not been undertaken.

No proper assessment of impacts had been carried out.

The site qualifies as a herptiles Site of Importance for Nature Conservation (SINC).

Following re-consultation on the Outline Draft Ecological Mitigation Strategy, the NWT maintained its objection and commented that:

The strategy does not contain any up to date survey information for notable and protected species and it is not acceptable for surveys to be carried out after permission is granted.

The site is widely acknowledged as an important area for breeding and

overwintering birds. Foraging would be comprised by the loss of 13 hectares of mammal rich grassland to this proposal.

The required survey information should be used to assess the impacts of the proposal on birds, amphibians, reptiles and badgers and the biodiversity of the site as a whole and to determine how to mitigate for the impact on individual species and biodiversity.

In response to comments made in a letter from the applicant's agent in February 2013, the NWT re-iterated its previous objection and comments and also advised that the former colliery spoil heap, including the proposed development site, now qualifies as a SINC for the assemblage of moths that it supports. The likely impact on these cannot be assessed without sufficient survey data and evaluation of that data.

Following re-consultation on the additional ecological information, the NWT comments that the breeding bird surveys identified that 55 species of bird were present on site during the survey period, 50 of which are likely to have bred in the vicinity of the proposed development area in nearby woodland, scrub and grassland habitats. Three bird species bred within the proposed development footprint; lapwing (5 pairs), meadow pipit (3 pairs) and skylark (9 pairs), which means that a total of 17 nest sites occurred in the development footprint. It was also thought that a cuckoo had laid eggs in one of the meadow pipits nest within the footprint. Cuckoos are increasingly uncommon in Notts. The report states that many of the birds currently using the development footprint will be able to continue to use the site for breeding and foraging, however the NWT believes that it is unlikely that most will do so as skylark, common snipe, jack snipe and lapwing in particular, favour sites with an open aspect and the land under and around the solar panels will not be open.

To mitigate for this impact, the report states that a nearby site or sites will be enhanced, but no detail is given of which sites and what enhancements. The NWT would wish to see details of the enhancements and where they are to be located secured through a planning condition, the details will therefore need to be provided prior to determination of this application. Provision of owl and kestrel boxes, as stated in the section 5.2.2 of the report, should also be secured through a planning condition. Ground clearance and installation of panels and fencing should be undertaken outside of the bird breeding season (March to September).

No great-crested newts were found on site, but good numbers of smooth newts, common toad and common frog were found in the survey area, with over 1200 common toads being recorded during the first survey session. The NWT disputes the survey reports assertion that palmate newt were found on site, as this species has never been recorded at this site, including during recent surveys by the Nottinghamshire Amphibian and Reptile recorder. As stated in previous responses, the entire Gedling Pit top site is a candidate Site of Importance for Nature Conservation (SINC) for its amphibian assemblages and this designation is likely to be formalized in due course. Should the Borough Council decide to grant permission for the solar farm, hand searches for amphibians should be

carried out in the vicinity of any ground clearance during infrastructure installation.

No reptiles were found on site; however the report states that should the proposal be granted permission, three hibernacula will be created to benefit reptiles and the existing amphibian population. These hibernacula should be secured through a planning condition.

The report also commits to ensuring that the perimeter fence of the development will be raised off the ground to allow mammals to continue to use the site by entering and burrowing under the fence. This should also be secured via a planning condition should the Borough Council decide grant permission for this proposal.

Section 5.2.1 of the report details the proposed mitigation relating to grassland management and treatment of areas of disturbed ground with wildflower seed. These proposals are acceptable.

The NWT welcomes the provision of the additional survey and mitigation information submitted in support of this application and has summarized the findings and some of the mitigation above. However, there is no detail of the off-site enhancements provided which makes it impossible to determine if the proposals are adequate or appropriate. Although the above has reduced the NWT's concerns about the environmental impact of the proposals to some extent, it still believes that the proposal to site a solar farm on a site of high value to wildlife and to the local community is incongruous. The remainder of the site has been granted permission to be formalized as a Country Park; a solar farm in this setting is not appropriate.

Gedling Conservation Trust (GCT) – initially objected to the proposed development on the grounds that:

Surveys are required to assess the impacts of the proposal on birds, amphibians, reptiles, badgers, invertebrates and local biodiversity.

There is no proper mitigation plan to mitigate for the damage that would be done to an important wildlife site and the inevitable destruction of vital habitat.

A number of protected species are to be found on the site, and several are breeding there (these have been listed).

It is regrettable that an Environmental Impact Assessment was not required.

The proposed development would be contrary to relevant policies contained within National Planning Policy Framework, the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and the Aligned Core Strategy.

Public consultation has been inadequate.

Following re-consultation on the additional ecological information, the GCT

welcomes the new mitigation measures detailed in Section 5.2 of the revised Extended Phase 1 Habitat Survey (June 2013). If these measures can be secured by a planning condition and, where appropriate, a S106 agreement, GCT is willing to withdraw its previous objections.

Nottinghamshire County Council (Landscape Advice) – initially outlined in detail two main areas of concern and lack of clarity, which can be summarised as follows:

The visual impact of the Solar Farm for users of the Country Park

An assumption that the Solar Farm would be screened by local topography on the summit.

Following re-consultation on the revised Landscape and Visual Appraisal (LVA), the County Council commented that:

With respect to the impact on users of the Country Park, the County Council suggested that the site appraisal photographs, taken from the Solar Farm boundary and looking in, be used as the basis of photomontages. This does not appear to have been included in the revised Landscape and Visual Appraisal (LVA) and therefore the County Council's original comments that there would be substantial adverse impact upon users of the proposed Country Park remain unchanged.

With respect to sightlines and the assertion that the Solar Farm is located beyond the ridgeline, and it was also suggested that information be provided to substantiate this

However, after further discussions, additional photographs and information have been submitted for clarification. As a consequence, the County Council has reviewed the LVA and now makes the following comments:

1. Landscape Character

The overall landscape strategy for this policy zone area (MN043 Gedling Colliery Green Space) is to enhance and restore. There are long views over the surrounding countryside and the rising and restored tip has a more distinctive sense of place than other urban fringe areas.

The LVA notes that the site has low-moderate sensitivity. The site appraisal photographs show views looking towards the site summit from the periphery of the proposed development and do demonstrate that from these positions, the summit blocks views of the wider countryside.

However, from the summit itself, there would be variable but extensive views over Nottingham, the Trent and Vale of Belvoir and this would be a key attraction of the Country Park, and a key characteristic of the local landscape. The flat-topped summit, when seen against the skyline, its altitude and distinction as the highest point in the area and the views afforded, are seen as key to the local landscape character.

The development of the summit as a Solar Farm, with an industrial development standing proud of the expansive flat-topped summit and removing opportunities to reach the highest point, are assessed as medium adverse. This gives the impact on landscape character as slight-moderate adverse, if it is accepted that the site has low-moderate sensitivity. A level of moderate sensitivity would result in moderate adverse impact on landscape character.

A Solar Farm development on the summit is seen as contrary to the policy of “Enhance and Restore”.

2. Visual Impact

Apart from one viewpoint located within the Country Park boundary, the visual baseline lists only points well beyond the proposed development, and beyond the Country Park boundary. However, as far as it goes, the visual baseline does demonstrate that from the points listed, there is little or no adverse impact, due to a combination of distance, topography and woodland.

There is an analysis of the visual impact of the proposed development during both its construction and operational phases. Again, there is only one viewpoint from within the Country Park, and this is some distance away from the proposed development. Consequently, it is considered that the visual impact is underestimated. Recreational users are considered of high sensitivity and the magnitude of change will be high for receptors in close proximity to the proposed development, to moderate for those at distance. The overall visual impact during both the construction and operational phase will be moderate-substantial adverse.

It is understood that no mitigation measures are proposed, despite a comment to this effect in the LVA.

3. Summary

The County Council does not recommend acceptance of this development on the grounds that the proposals do not support the “Enhance and Restore” action for the area. It is also considered that the selection of points from which to assess visual impact underestimates the impact on future users of the Country Park. The assessment of impact on landscape character also underestimates the contribution that the dominant landform of the undeveloped tip summit would make to the landscape character of the Country Park.

Nottinghamshire County Council (Arboricultural Advice) – concern is expressed that the proposed development would have a significant effect if it results in the removal of trees planted to create local public visual amenity.

Nottinghamshire County Council (Highway Authority) – having considered the additional information provided, the Highway Authority has no objections in principle to the proposed development subject to the imposition of conditions regarding construction of the proposed access, turning facility and a lorry routing agreement.

The applicant's attention is drawn to the procedure for undertaking off-site highway works and the need to prevent mud and debris being transported onto adjacent roads.

Although the Highway Authority also advised that the internal road layout and car parking in relation to the Gedling Country Park proposals is likely to change, as part of the current design process for the Country Park, it has confirmed verbally that this will not conflict with the proposed access and turning facility for this application.

Parks & Street Care – observe that access to the proposed Solar Farm appears to be via the proposed new access into the Gedling Country Park off Spring Lane. Access rights will need to be determined in advance of any proposed development being installed.

Grassland habitat will be affected by such encroachment.

Public Protection – have reviewed the Phase 1 Preliminary Risk Assessment and agree with the report's conclusions and recommendation; that further assessment works are required around slope stability and calorific values of the colliery spoil.

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

Environment Agency – observes that the proposed development will only be acceptable if a planning condition is imposed requiring details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The scheme to be submitted shall demonstrate:

The utilisation of holding sustainable drainage techniques;

The limitation of surface water run-off to equivalent greenfield rates;

The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and

Responsibility for the future maintenance of drainage features.

The reason for this condition is to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

Advice and information is also provided by the Environment Agency regarding any proposed alterations to the above condition; sustainable drainage methods and surface water run-off control.

Severn Trent Water – no objection to the proposal and no comments.

Urban Design Consultant – No objection to the proposal, although it would affect the appearance of the countryside in this area. However, the proximity of the site to the proposed Gedling Access Road and future residential and industrial development is acknowledged and the site will become less isolated in future.

Whilst Solar Farms do change the landscape, the structures are easily removable if better sources of energy develop.

Planning Considerations

The main planning considerations in the determination of this application are the impact of the proposed development on ecology, the local landscape, the proposed Gedling Country Park and whether the proposal would meet the main principles of sustainable development.

Other planning considerations include what impact the proposed development would have on trees, residential amenity, highway safety and whether its design is acceptable.

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

7. Requiring good design (paragraphs 56-68)
10. Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)
11. Conserving & enhancing the natural environment (paragraphs 109-125)

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

- Policy ENV1: Development Criteria
- Policy ENV5: Renewable Energy
- Policy ENV43: Greenwood Community Forest
- Policy ENV44: Gedling Colliery Park
- Policy R1: Protection of Open Space
- Policy T10: Highway Design and Parking Guidelines

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (ACSSD) which it considers to be sound and ready for independent examination. Consequently, Gedling Borough Council, in determining planning applications may attach greater weight to the policies contained in the ACSSD than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon

the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given), and is explored further in the Introduction Report.

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

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

The Borough Council is aware of a letter from the Department for Communities and Local Government dated 27th May 2010, which confirms the Governments' intention to rapidly abolish Regional Spatial Strategies (RSS). There have been a number of legal challenges to this letter, but the current position is that the RSS forms part of the Development Plan, although the intention to revoke the RSS is a material consideration. After reviewing the East Midlands Regional Plan, it is considered that none of the policies it contains are relevant to this application.

Ecological Considerations

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

Policy 17 of the ACSSD seeks, amongst other things, to ensure that biodiversity will be increased over the Core Strategies period by:

- a) Protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of habitats and species listed in the UK and Nottinghamshire Biodiversity Action Plans;
- b) Ensuring that fragmentation of the Green Infrastructure network is avoided wherever appropriate and improvements to the network benefit biodiversity through the incorporation of existing habitats and the creation of new habitats.
- c) Seeking to ensure that new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
- d) Supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
- e) Ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum mitigate or compensate at a level equivalent to the biodiversity value of the habitat lost.

Policy 17 of the ACSSD goes on to state that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development

and that adequate mitigation measures are put in place.

Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

I note that the site and wider area of the former colliery spoil tip is a Nottinghamshire Biodiversity Action Plan priority habitat and that the principal impact arising from the proposed development relates to ground nesting birds (all red or amber listed species of conservation concern), and also wintering birds. It appears likely that a significant proportion of those birds currently using the site would be displaced from the application area post-construction. In these circumstances, I share the view of the County Council's Conservation Team that it is necessary to secure appropriate mitigation and compensation works, as per the requirements set out in paragraph 118 of the NPPF. A range of measures are proposed, including the provision of off-site works on a parcel of land adjacent to the Netherfield Lagoons Local Nature Reserve, and I consider that it would be appropriate, if my recommendation is accepted, to secure these measures by means of a S106 planning obligation.

Whilst I appreciate that such work would not deliver like-for-like compensation, it is likely to provide good breeding and winter habitat for some of the species likely to be displaced.

A range of additional on-site mitigation measures are proposed, to enhance the value of the site post-construction and these could be secured by the imposition of appropriate conditions, as requested by the Nottinghamshire Wildlife Trust and the Gedling Conservation Trust.

The presence of a protected species is a material planning consideration, but I note that the further ecological survey work which was requested and undertaken, found no evidence of protected species (reptiles, amphibians or badgers), and these are not considered to be a constraint on the proposed development.

In the context of the challenge posed by climate change and declining fossil fuel reserves, there is an established need for renewable energy generation and the proposed development would form part of the UK's overall strategy to reduce carbon dioxide emissions and improve security of energy supply.

Whilst the proposed development would have a detrimental impact on the existing ecological interest of this part of the former Gedling Colliery, I am satisfied, on balance, and after taking into account the mitigation and compensation measures now proposed, that the proposed development would:

Enhance existing areas of biodiversity interest elsewhere within the Borough.

Avoid fragmentation of the Green Infrastructure network.

Provide new biodiversity features, and improve existing off-site biodiversity features.

Support the management and maintenance of existing and created habitats.

Compensate at a level equivalent to the biodiversity value of the habitat lost.

As such, I consider that the proposed development would accord with the aims of Policy 17 of the ACSSD and paragraph 118 of the NPPF.

Landscape Considerations

The relevant planning policies which need to be considered in relation to landscape matters are set out in Policies ENV43 of the RLP, Policies 10 and 16 of the ACSSD and Section 11 of the NPPF.

Policy ENV43 of the RLP states that prior to granting planning permission for development within the Greenwood Community Forest area, the Council will seek to negotiate with developers to secure new tree or woodland planting as part of the development. However, bearing in mind that there has been significant tree planting around the application site as part of the Gedling Colliery restoration works and that further planting within the site would be incompatible with the proposed development and detrimental to the local habitat, no new planting is considered appropriate in this particular instance.

Policy 10 of the ACSSD states, amongst other things, that new development will be assessed with regard to its potential impact on important landscape views and vistas and that, outside settlements, new development should protect, conserve or where appropriate enhance landscape character. In broad terms, this also reflects the aims of Section 11 of the NPPF.

Policy 16 of the ACSSD states that a strategic approach will be taken to the delivery, protection and enhancement of Green Infrastructure and requires, amongst other things, that Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Area (GNLCA).

Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The potential landscape and visual effects of the proposed development have been assessed in the Landscape and Visual Appraisal (LVA), as revised, which forms part of this application. I also note that the overall landscape strategy for this policy zone area (MN043 Gedling Colliery Green Space) in the GNLCA is to 'enhance and restore'.

In terms of landscape character, I appreciate that there are long views from the site over the surrounding countryside and that the rising and restored tip has a more

distinctive sense of place than other urban fringe areas. The proposed development would be sited on the flat-topped summit and would remove opportunities to reach the highest point, which gives a slight-moderate adverse impact on landscape character. As such, the proposed development must be considered to be contrary to the above landscape strategy.

However, I note that the County Council Landscape Team has reviewed its initial comments on the revised LVA and accepts that views looking towards the site summit from the periphery of the proposed development do demonstrate that, from these positions, the summit blocks views of the wider countryside.

In terms of visual impact from points located outside the proposed Gedling Country Park boundary, I note that it has been demonstrated that there is little or no adverse impact, due to a combination of distance, topography and woodland. However, the County Council does consider that the visual impact for recreational users will be high for receptors in close proximity to the proposed development, to moderate for those at distance. The overall visual impact will therefore be moderate-substantial adverse.

I am mindful, therefore, that the County Council does not recommend acceptance of this development on the grounds that the proposals do not support the 'enhance and restore' action for the area and considers that the visual impact on future users of the Country Park has been under-estimated. In addition, the County Council considers that the assessment of impact on landscape character also underestimates the contribution that the dominant landform of the undeveloped tip summit would make to the landscape character of the Country Park.

Whilst I appreciate the concerns which have been expressed by local residents and the County Council in terms of the impact of the proposed development on the local landscape, I share the view of the Urban Design Consultant that this impact must be balanced against the proximity of the site to the proposed Gedling Access Road and future residential and industrial development, which I consider would have similar or greater impacts on landscape character and on the visual impact for users of the proposed Gedling Country Park.

Bearing this in mind, and the weight which must be attached to the need for renewable energy generation, I consider that it would be difficult to sustain a refusal of planning permission on landscape grounds, although the proposed development would not accord with Policies 10 and 16 of the ACSSD and paragraph 109 of the NPPF.

In this respect, I am also mindful of paragraph 93, Section 10 of the NPPF on climate change, which states, amongst other things, that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure.

Gedling Country Park, Public Open Space & Green Infrastructure Considerations

The relevant planning policies that need to be considered in relation to the proposed Gedling Country Park, public open space and Green Infrastructure are set out in Policies ENV34 and R1 of the RLP and Policy 16 of the ACSSD.

Policy ENV44 of the RLP states that the Borough Council propose, through the Greenwood Community Forest Partnership, appropriate options for the provision of public open space at Gedling Colliery, as shown on the Proposals Map. The supporting text to this Policy goes on to state that the former Gedling Colliery Pit Tip is important in the context of the development site at the former Gedling Colliery and that opportunities for links between the recreational land, the new development and the wider countryside will be pursued.

This is now reflected in Policy 16 of the ACSSD, which identifies Gedling Colliery/Chase Farm as part of a Sub-Regional Green Infrastructure Corridor which should be protected and enhanced. However, the Policy goes on to advise, amongst other things, that whilst Parks and Open Space should be protected from development, exceptions may be made if the development is a small part of the Green Infrastructure network and would not be detrimental to its function. I am satisfied that this is the case in this particular instance, bearing in mind the extent of the proposed Country Park in relation to the application site.

Policy R1 of the RLP states that planning permission will not be granted for development that is used, or was last used, as open space. However, as the application site for the proposed Country Park excluded the site of the proposed Solar Farm compound and the land is not currently being used as public open space, and never has been, I do not consider that any significant weight should be attached to this Policy, which is intended to protect the proposed Country Park as allocated in the RLP.

Whilst I note the comments made by the applicant's agent as to how the proposed development could be considered to be complementary to the Council's proposals, I would not attach any significant weight to these from a planning perspective.

In my opinion, the proposed development would not conflict with the aims of Policies ENV44 and R1 of the RLP or Policy 16 of the ACSSD.

Sustainability Considerations

The relevant planning policies that need to be considered in relation to sustainability are set out in Policies ENV1 and ENV 5 of the RLP, Policies 1 and 10 of the ACSSD and Section 10 of the NPPF.

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

Policy ENV5 of the RLP states, amongst other things, that planning permission will be granted, or supported, for development for Renewable Energy, provided the proposals do not adversely affect the amenities of residents or users of nearby properties and are designed, sited and landscaped to minimise any impact upon the

character of the area.

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

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

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

Section 10 of the NPPF states, amongst other things, that when determining planning applications for energy development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and advises local planning authorities to approve such applications if the impacts are (or can be made) acceptable.

As stated earlier, in the context of the challenge posed by climate change and declining fossil fuel reserves, there is an established need for renewable energy generation. The use of Solar Photovoltaic Cells is recognised as a source of renewable energy under current UK Government standards. As such, the proposed development would utilise renewable energy sources for the production of electricity and would form part of the UK's overall strategy to reduce carbon dioxide emissions and improve security of energy supply.

With regard to drainage, I note that the Environment Agency has no objection, subject to the imposition of an appropriate condition to secure a surface water drainage scheme, based on sustainable principles in order to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

The proposed ecological mitigation measures would also increase the sustainability of the proposed development and contribute towards a greater understanding of its environment impact.

I am also mindful that the solar panels are designed with an operational life of 25 years and that at the end of this period the solar farm would be dismantled and removed, prior to the site being restored with no lasting environmental effects.

The impact of the proposed development on the character of the area and the amenity of local residents has been assessed in other sections and would not be contrary to the aims of Policy ENV5 of the RLP.

It is considered, therefore, that this proposed development for renewable energy would contribute to a reduction in greenhouse gas emissions and would possess other sustainable features, in accordance with the relevant aims of Policies ENV1 and ENV5 of the RLP, Policies 1 and 10 of the ACSSD and Section 10 of the NPPF.

Arboricultural Considerations

The most relevant planning policy that needs to be considered in relation to the impact of the proposed development on trees is set out in Policy 16 of the ACSSD.

Policy 16 of the ACSSD states, amongst other things, that existing Green Infrastructure corridors and assets are to be protected and enhanced.

The proposed temporary construction access road will fringe the western edge of a group of trees close to the site access and some minor loss of tree cover is inevitable in order to facilitate the access in this position. However, as these trees are immature and of relatively low arboricultural significance, their loss should not detrimentally affect the remaining trees within the group. I am also mindful that this work is also required in conjunction with the proposed Gedling Country Park access.

Whilst replacement planting would normally be recommended, the only realistic area within the applicant's control for this would be within the proposed compound area, which would conflict with both the proposed solar arrays and ecological habitats.

I am satisfied, therefore, that the loss of a small number of immature trees would not have a detrimental impact effect on the overall visual amenity of the area and is required to facilitate access to the proposed Gedling Country Park, as well as the proposed development.

I consider, therefore, that the proposed development would not be contrary to the aims of Policy 16 of the ACSSD.

Amenity Considerations

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

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. This is reflected more broadly in Policy 10 of the ACSSD.

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

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

Whilst there would be a temporary increased amount of traffic activity generated in the area, this would be primarily on Spring Lane, where there are few residential properties in the immediate vicinity. I also note that the construction period is only anticipated to last for approximately 10 weeks, following which there would be little traffic or other activity on the site.

I am satisfied, therefore, that the proposed use would not have any significant adverse impact on nearby properties due to the level of activities on the site or the level of traffic generated. For the same reason, I do not consider that the proposed development would give rise to any adverse noise impacts.

Whilst the proposed development would be visible from elevated points within the urban area, this would be less intrusive than other forms of renewable energy and would be minimised due to the distances involved and by the proposed location of the solar arrays on a plateau at the top of the former spoil heap, where views from below would be reduced by the local topography.

Whilst I note the concerns about potential reflective glare, I am mindful that the solar panels would be blue-black in colour, and would be covered with non-reflective material to allow as much light as possible through to the PV cells and to minimise glare.

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

Highway Safety Considerations

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

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

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

I note that the Highway Authority has no objections in principle to the proposed

development, subject to the imposition of appropriate conditions regarding construction of the proposed access, turning facility and a lorry routing agreement.

Whilst I am mindful that the internal road layout and car parking in relation to the Gedling Country Park proposals is likely to change, I do not consider that this is likely to conflict unacceptably with the proposed turning facility for Heavy Goods Vehicles as part of this application and am satisfied that there are appropriate planning mechanisms to address any such issue, should it arise.

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

Design Considerations

The relevant planning policies that need to be considered in relation to design are set out in Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section 7 of the NPPF.

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

Policy 10 of the ACSSD requires all new development to be designed to a high standard and sets out in detail how this should be assessed. The most relevant design elements in this instance include the site layout; massing, scale and proportion; materials, architectural style and detailing.

Paragraph 65 of the NPPF states, amongst other things, that local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.

The proposed development would inevitably introduce a new land use into the area, with a bespoke design required as a result of the functionality of the proposed use.

I appreciate the concerns which have been expressed by local residents and the Nottinghamshire Wildlife Trust about the incongruity of a Solar Farm in this location, which would be surrounded by the proposed Gedling Country Park. However, I note that the Borough Council's Urban Design Consultant has no objection in principle on the grounds that the site will become less isolated in future as adjacent land is developed and that the proposed structures are easily removable.

In addition, I would re-iterate that although the proposed development would be visible from elevated points within the urban area, its overall level of intrusiveness would be reduced as a consequence of the proposed site layout, scale and proportion, combined with the distances involved and the local topography.

The impact of the proposed development on the local landscape has been assessed above.

I consider, therefore, that the proposed development would be designed in accordance with the aims of Policy ENV1 of the RLP, Policy 10 of the ACSSD and the relevant design aims of the NPPF.

Other Issues

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

Slope Stability & Calorific Values

An appropriate condition is recommended to ensure that further assessment work is undertaken around slope stability and calorific values of the colliery spoil.

Surface Water Drainage

An appropriate condition is recommended to ensure that details of a surface water drainage scheme for the site are submitted and approved.

Glare

The solar panels would be blue-black in colour, and covered with non-reflective material, which would minimise any potential glare.

Grid Connection

The output from the Solar Panels would be exported to the grid via either an underground cable or overhead line. This connection could be installed via existing permitted developments rights for Distribution Network Operators or may need to be the subject of a separate planning application, depending on the final design.

Restoration

An appropriate condition is recommended to ensure the re-instatement of the site at the end of the proposed development's lifespan.

Publicity

In addition to a public exhibition held by the applicant, the application was publicised by letters to residents around the former Gedling Colliery and site notices were posted at various locations within the urban area which have views over the application site. The press notice was also published in the Nottingham Post. This was in excess of statutory publicity requirements and representations have continued to be accepted well beyond the end of the statutory period.

Property Values

The impact of a proposed development on property values is not a material planning consideration.

Conclusion

I consider that the proposed development of this site for the generation of renewable energy is acceptable, bearing in mind that local planning authorities should not require applicants to demonstrate the overall need for renewable energy

Whilst the proposed development would have a detrimental impact on the existing ecological interest of this part of the former Gedling Colliery, I consider that appropriate mitigation and compensation works, both on and off-site are proposed.

I am also satisfied that the proposed development would not give rise to any undue impacts on the local landscape, the proposed Gedling Country Park, trees, residential amenity or highway safety.

The planning issues set out and discussed above in relation to the planning considerations indicate that the proposed development would accord with the relevant national and local planning policies, apart from those in relation to landscape and tree planting, which it is considered are outweighed by other material considerations.

I am satisfied, therefore, that the proposal complies with Policies ENV1, ENV5, ENV44, R1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and, apart from the above justified exceptions, accords with the aims of Sections 7, 10 and 11 of the National Planning Policy Framework and emerging Policies 1, 10 and 16 of the Gedling Borough Aligned Core Strategy Submission Documents.

Recommendation:

That the Borough Council supports the GRANT OF PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council for a financial contribution towards off-site biodiversity mitigation and compensation works and 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 and documents: Juwi Rack (4020 1069-69.2), Technical Details 2 (4020 1069-69.2), Technical Details - Substation 2 (4020 1069-69.2), Technical Details 4 - Station (4020 1069-69.2) and Technical Details - Substation (4020 1069-69.2), deposited on 21st November 2012; Site Location Plan (RG-M-02 Rev E), Overall Module Layout (4020 1069-10.00) and Spring Lane Proposed Junction Layout (0435-GA-01D Rev D), received on 7th June 2013; Technical Details 1 (4020 1069-69.2), received on 23rd July 2013; and the Extended Phase I Habitat Survey, including Desk

Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01, received on 28th June 2013.

3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council detailed construction and engineering drawings showing any proposed changes to existing levels and contours across the site in excess of 1 metre. The development shall be constructed in accordance with the approved drawings and the finished levels and contours shall be retained without further alteration for the lifetime of the development.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the materials to be used in the construction of the proposed temporary construction access and HGV turning area. The temporary construction access and HGV turning area shall be provided in accordance with the approved details prior to work commencing on the installation of the solar arrays, sub-stations, cable trenches or fencing and shall be retained until the development hereby approved is first brought into use.
5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council. The scheme to be submitted shall demonstrate the utilisation of holding sustainable drainage techniques; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and responsibility for the future maintenance of drainage features.
6. Unless otherwise agreed by the Borough Council, development must not commence until the following has been complied with: (a) Site Characterisation- An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Borough Council. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. If the site characterisation assessment indicates that contamination is likely to be present a Remediation Scheme shall be submitted to and approved in writing by the Borough Council. (b) Submission of Remediation Scheme - Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Borough Council. The scheme must include all

works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

7. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works under condition 6 above. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Borough Council.
8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of the number and location of the proposed CCTV cameras. The CCTV cameras shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
9. No vegetation clearance or ground works shall be undertaken during installation unless hand searches for amphibians have been carried out by an appropriately qualified ecologist. If any amphibians are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council. The mitigation measures shall be implemented in accordance with the approved details before development commences.
10. No vegetation clearance or ground works shall be undertaken on site during the bird nesting season (which runs from 1st March to 31st August inclusive in any given year), unless otherwise approved following a pre-commencement survey of the site by an appropriately qualified ecologist and the submission of any proposed mitigation measures, as per the third paragraph of section 5.2.2 of the Extended Phase I Habitat Survey, including Desk Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01. The outcome of the survey and details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences.
11. No part of the development hereby permitted shall take place until the access arrangement, as shown for indicative purposes only on drawing no: 0435-GA-01D Revision D, has been constructed in accordance with construction details to be first submitted to and approved in writing by the Borough Council.
12. No part of the development hereby permitted shall take place until the access road and Heavy Goods Vehicle's turning facility, as shown for indicative purposes only on drawing no. 0435-GA-01D Revision D have been surfaced in a hard bound material (not loose gravel) in accordance with details to be first submitted to and approved in writing by the Borough Council. The access road and turning facility shall be retained in accordance with the approved details for the construction phase of the development hereby permitted,

unless otherwise prior agreed in writing by the Borough Council.

13. No part of the development hereby permitted shall take place until such time a lorry routing agreement is in place, as shown for indicative purposes only on WSP consultant's Delivery Routing Plan (Figure 7) and in accordance with an associated signage scheme to be first submitted and approved in writing by the Borough Council. The lorry routing agreement and associated signage scheme shall be operated and retained in accordance with the approved details for the construction phase of the development hereby permitted, unless otherwise prior agreed in writing by the Borough Council.
14. Before the development hereby permitted is first brought into use, three nest boxes (2 for barn owl, 1 for kestrel) shall be erected as per the first paragraph of section 5.2.2 of the Extended Phase I Habitat Survey, including Desk Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01.
15. Before the development hereby permitted is first brought into use, three reptile hibernaculae/basking mounds shall be created, as per section 5.2.3 of the Extended Phase I Habitat Survey, including Desk Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01.
16. The boundary fence, as shown on Technical Details 2 drawing, shall be constructed so as to leave a small gap at the base of the fence to allow access for mammals, as per section 5.2.5 of the Extended Phase I Habitat Survey, including Desk Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01.
17. The existing trees to be retained shall be protected in accordance with the details specified within Chapter 5 and Appendix B of the fpcr Arboricultural Assessment, October 2012, which shall be implemented prior to the commencement of development and shall remain in situ until the development has been completed.
18. Before the development hereby approved is first brought into use, visibility splays shall be provided at the site entrance in accordance with the details shown on drawing no: 47064093/VSR01 Rev A. The area within the visibility splays shall thereafter be kept free of all obstructions, structures or erections exceeding 0.90 metres in height.
19. Before the development hereby permitted is first brought into use, the proposed sub-station adjacent to the western boundary shall have a rendered finish applied to all elevations and shall be painted dark green. The render and painted finish shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
20. Within three months of the development hereby permitted first being brought into use, there shall be submitted to and approved in writing by the Borough Council a Habitat Management Plan, detailing works to enhance the retained grassland beneath the solar arrays, including a sensitive mowing regime, the re-seeding of disturbed areas, and the over-seeding of the whole compound

site with a wildflower seed mix to raise its botanical diversity (further details of which, including species mixes, should be submitted within the Habitat Management Plan). The Habitat Management Plan shall be complied with and implemented as approved and shall thereafter be maintained or retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

21. Within 6 months of the development hereby permitted being first brought into use, the temporary construction access and HGV turning area shall be removed and this part of the site restored in accordance with details which shall be submitted to and approved in writing by the Borough Council prior to the development hereby approved being first brought into use.
22. Post-construction monitoring of birds shall be undertaken, as per the final paragraph of section 5.2.2 of the Extended Phase I Habitat Survey, including Desk Study, (SLR Ref: 424-04114-00003), June 2013 Rev 01. The annual reports shall be submitted to the Borough Council, the Nottinghamshire County Council, the Nottinghamshire Wildlife Trust and the Gedling Conservation Trust.
23. The proposed Solar Farm and associated works hereby permitted shall be dismantled and removed from the site within 6 months at the end of 25 years from it first being brought into use or in the event of it becoming non-operational, whichever is the sooner, and the site re-instated and returned to its original condition, unless otherwise prior approved 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 the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
5. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the National Planning Policy Framework, Policies ENV1 and ENV40 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.

6. To ensure a satisfactory development in accordance with the aims of Policy ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
7. To ensure a satisfactory development in accordance with the aims of Policy ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
8. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
9. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.
10. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.
11. In the interests of highway safety.
12. In the interests of highway safety.
13. In the interests of highway safety.
14. To enhance biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.
15. To enhance biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.
16. In the interests of biodiversity, in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.
17. To ensure that the trees to be retained as part of the development are protected during the construction of the development.
18. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
19. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
20. To enhance biodiversity in accordance with the National Planning Policy

Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.

21. In the interests of visual amenity in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
22. In the interests of biodiversity, in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.
23. In the interests of visual amenity in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Reasons for Decision

The proposed development of this site for the generation of renewable energy is acceptable and whilst it would have a detrimental impact on ecology, appropriate mitigation and compensation works are proposed. The proposed development would not give rise to any undue impacts on the local landscape, the proposed Gedling Country Park, trees, residential amenity or highway safety. The proposed development would comply with Policies ENV1, ENV5, ENV44, R1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and, apart from those relating to landscape and tree planting, which are outweighed by other material considerations, accords with the aims of Sections 7, 10 and 11 of the National Planning Policy Framework and emerging Policies 1, 10 and 16 of the Gedling Borough Aligned Core Strategy Submission Documents.

Notes to Applicant

Your attention is drawn to the attached comments from the Borough Councils Public Protection Section, the Nottinghamshire Wildlife Trust, the Environment Agency and Nottinghamshire County Council with regard to Highways and Ecology.

The Borough Council's Parks and Street Care Section advise that access rights will need to be determined before the proposed development commences.

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. 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.

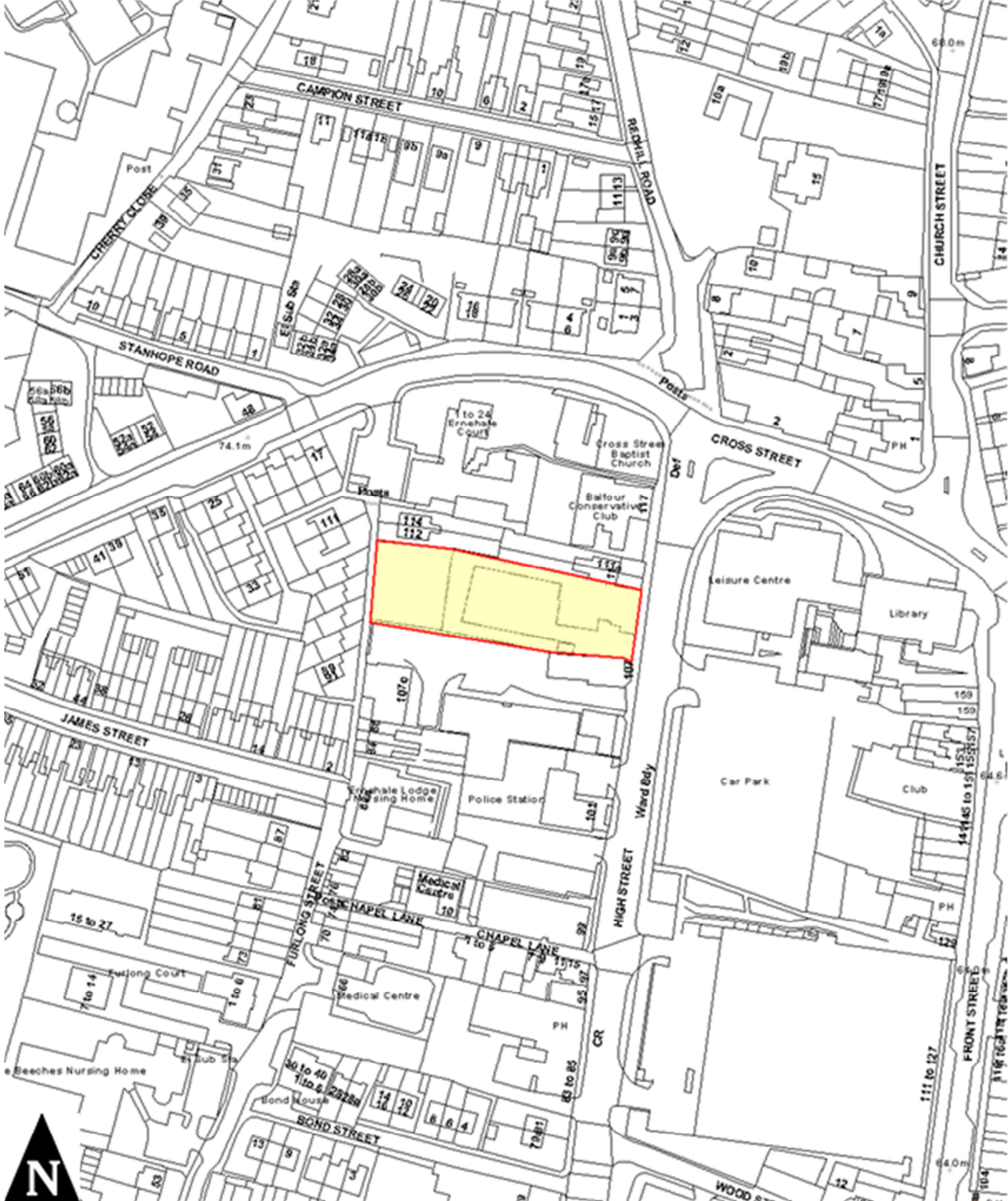
Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

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Application Number: 2013/0560

Location: Site of the Druids Tavern, High Street, Arnold.



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

| | |
|----------------------------|---|
| Application Number: | 2013/0560 |
| Location: | Site of Druid's Tavern, High Street, Arnold, Nottinghamshire. |
| Proposal: | Conversion of former Druid's Tavern Public House site to car park. |
| Applicant: | Gedling Borough Council |
| Agent: | Mr. John Evens. |

Site Description

The application site relates to the former Druids Tavern public house within the Secondary Shopping Area of Arnold Town Centre as indicated in the Borough Council's Replacement Local Plan. The public house has been demolished, but hard surfacing exists to the former car park area. The site is currently used as a temporary public car park.

Two-storey residential properties adjoin the site to the north at no.111 High Street and no.112 Furlong Street. Residential properties are also situated to the rear of the application site on Furlong Street to the other side of a public footpath. No.111 High Street sits immediately adjacent to the site towards the front and facing onto High Street. This property has clear glazing at ground and first floor level to the front and rear elevations in close proximity to the boundary with the application site. No.112 Furlong Street is situated towards the rear of the site and has clear glazed ground and first floor windows facing the application site.

Low rise commercial properties adjoin the site to the south with a restaurant immediately adjoining the site at no.107 High Street.

A public car park and Arnold Leisure Centre face the application site on the opposite side of High Street.

Boundary treatments include 1.8m panelled fencing to the boundaries with residential properties and the footpath to the rear. A 2.0m high wall exists to the boundary with commercial properties to the south.

Relevant Planning History

Prior Approval was granted in March 2009 for the demolition of the public house – application ref. 2009/0055. The Public House was demolished following Prior

Approval being granted.

Conditional planning permission was granted in June 2012 for the erection of a police station – application ref. 2010/0331. This permission was not implemented.

Conditional planning permission was granted in December 2012 for the change of use of land to surface car park to provide 106 spaces including 6 disabled and 2 electric vehicle spaces – 2012/1193. This permission has not been implemented.

A discharge of condition application was deposited on the 30th May 2013 in relation to details of landscaping, surfacing, access/exit arrangements, pedestrian refuge, visibility splay, drainage, lighting position of cycle bays and CCTC cameras – application ref. 2013/0406DOC. Further details have been requested. The conditions remain outstanding at this time.

Proposed Development

Full planning permission is now sought for the change of use of the site to car park with a revised layout to that previously approved in December 2012. The site area is some 0.3ha larger than previously approved and the boundary is now shown to extend slightly into the service area immediately adjacent to the southern boundary of the site. The proposed car park would provide 74 parking spaces which would include 4 disabled and two electric vehicle parking spaces with charging points. This would provide 32 less car parking spaces than that proposed under the previous proposal.

A 1.8m high brick wall is proposed to the side and rear boundaries which is set into the site by 1m along the boundary with the adjacent building 111 High Street. 4 no. double lighting columns are proposed to the central reservation and 4 no. single lighting columns to each of the side boundaries of the site.

It has been indicated within the Transport Statement submitted with the application that this would be a replacement car park for the High Street car park (which has 150 spaces) should the High Street car park site come forward for development.

I have been advised that there are plans by the Council to increase parking on Croft Road after the Health Centre is built.

A parking survey of Arnold Town Centre car parking produced by 'Eye' consultants in February 2013 has been deposited with the application. I also note that strategic reports prepared by the Council have indicated that there is an over provision of parking in Arnold Town Centre and analysis of car parking charge indicates that parking is rarely used to capacity.

Consultations

Nottinghamshire County Council (Highways Authority) – It is understood that the car parking layout has changed from the previous planning permission ref. 2012/1193 to ease vehicular movement within the proposed car park. No objections are raised to the layout as shown on drg. No. G13/CP1/HAS11A providing that the conditions

attached to the previous permission 2012/1193 are attached should permission be granted in this instance. These require that prior to the development being brought into use, the access and exit arrangements are made available for use and are constructed in accordance with the Highway Authority specification, the parking spaces are clearly marked out and retained in accordance with approved plans, pedestrian visibility splays are provided and means of drainage are submitted, approved and installed. Conditions should also be attached requiring that prior to development being commenced details of the pedestrian refuge and associated road markings and details of construction and surfacing materials and lighting have been submitted to and approved by the Local Authority. The applicant should be advised of the need to enter into an agreement under S278 of the Highways Act as works are to be undertaken on the public highway. The applicant must also ensure that during construction no mud or debris should be transported on adjacent roads.

Public Protection - No issues have been raised by Public Protection in relation to the proposal.

Policy – Advise that comments remain unchanged from those provided for 2012/1193. The application site is located within Arnold Major District Centre Secondary Shopping Area as identified in the Replacement Local Plan (2005).

The following core planning principles of the National Planning Policy Framework (2012) are relevant to this planning application:-

- 1. Building a strong, competitive economy (paragraphs 18-22)
- 2. Ensuring the vitality of town centres (paragraphs 23-27)
- 4. Promoting sustainable transport (paragraphs 29-41)

Paragraph 215 of the National Planning Policy Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

The following saved policies of the Gedling Borough Replacement Local Plan (2005) (Saved Policies 2008) are relevant to this planning application:-

- S6: Arnold Secondary Shopping Area
- C4: Loss of Community Facilities

It is understood that the applicant wishes to relocate the existing car park from the Leisure Centre site to the application site on the other side of High Street. The submitted Transport Statement states that an extensive survey of parking availability in the local area was undertaken and the assessment found that parking availability within the local area is sufficient and travel to the local area is well supported with good public transport services.

Paragraph 19 of the National Planning Policy Framework states the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. The proposal should accord to paragraph 40 of the National Planning Policy Framework which states that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles.

Policy C4 of the Replacement Local Plan states that planning permission should not be granted if development would lead to the loss of community facilities resulting in increased car journeys to the next available facility. The Public House building has been demolished and the site is no longer in use. There are existing Public Houses within Arnold shopping centre.

Policy S6 of the Replacement Local Plan is flexible and allows for the accommodation of other uses where the harm is not caused to the vitality and viability of the centre. Advice of paragraph 19 of the National Planning Policy Framework states that planning should operate to encourage and not act as an impediment to sustainable growth. It is concluded that, on balance, Planning Policy would not have any objections to the proposal provided there are no objections from the Highways Authority.

Environment Agency – No comments are raised.

Nottinghamshire Police Force Architectural Liaison Officer – No concerns are raised.

Adjoining neighbours have been notified of the proposal and a site notice posted. No comments have been received.

Planning Considerations

I am mindful that the principle of the proposed development has been established in the granting of planning permission in December 2012. In my opinion the main planning considerations in the determination of this application are:-

1. the suitability of the location for the proposal;
2. the impact on the street scene;
3. the impact upon neighbouring amenity; and
4. highway implications.

At a national level the most relevant parts of the National Planning Policy Framework (NPPF) in relation to the determination of this application are:-

Section 1 Building a Strong Competitive Economy (paragraphs 18-22);

Section 2 Ensuring the Vitality of Town Centres (Paragraphs 23-27);

Section 4 Promoting Sustainable Transport (Paragraphs 29-41); and
Section 7 Requiring Good Design (Paragraphs 56, 57 and 61).

At a local level the following policies of the Gedling Borough Replacement Local Plan are also relevant to the determination of this application:-

S4 Environmental Improvements;
S6 Arnold Secondary Shopping Area;

T10 Highway Design and Parking Guidelines; and ENV1 Development Criteria.

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). Overall, while there are objections to the relevant ACS policies identified, these are not considered significant in terms of this application and significant weight can be given to the ACS policies identified above. Policy 14 Managing Travel Demand of the ACS is also relevant in this instance.

Suitability of the location of the proposal

Paragraph 40 of the NPPF advises that local authorities should seek to improve the quality of parking in town centres so that it is safe and secure and includes appropriate provision for motor cycles. I note that the application site falls within the Secondary Shopping Area and is in close proximity to the Arnold Town Centre and that the supporting Transport Statement submitted with the application states that the proposed development will relocate the existing High Street public car park.

I am mindful of the subsequent reduction in the number of public car park spaces within the area following the closure of the existing car park on High Street which currently provides a total of 150 spaces. However, I note that the Highway Authority have raised no comments with regards to the number of parking spaces to be provided. I also note that the parking survey deposited with the application indicates that there is currently an over provision of parking within the Town Centre. I am therefore of the opinion that, on balance, given that the Secondary Shopping Area and the Arnold Town Centre are well served by public car parks, short stay off street parking and public transport links, this reduction would not have a significant impact upon the vitality or viability of the area to justify refusal on these grounds.

I do not consider that Policy C4 of the Replacement Local Plan is relevant in this instance given that the Public House was demolished in 2009.

Taking this into account I am of the opinion that the proposed development is an appropriate use within the area given that it will serve the Secondary Shopping Area and Arnold Town Centre. I am also satisfied that it is appropriately sited in close proximity to the car park it is intended to replace.

Impact upon the streetscene

Paragraphs 56 and 57 of the NPPF emphasises the importance of considering design when determining planning applications and states;

‘The Government attaches great importance to the design of the built environment

Good design is a key aspect of sustainable development, is indivisible from good planning and contribute positively to making places better for people.'

'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.'

Paragraph 64 of the NPPF identifies that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.

Criterion a. of Replacement Local Plan Policy ENV1 reflects this guidance and requires that development should be of a high standard of design, having regard to the appearance of the area and does not adversely affect the appearance of the area by virtue of its form, layout or materials.

Policy S6 of the Replacement Local Plan relates to the Arnold Secondary Shopping Area. Criterion b of this policy is also relevant. This states that appropriate town centre uses will be permitted provided that the proposal would not harm townscape quality.

In addition criterion a. of Replacement Local Plan policy S4 indicates that the Borough Council may undertake the provision of environmental enhancement and off street parking provision. The sub text of this policy identifies that town centres must provide a high quality environment in order for their continuing prosperity and enhancement.

I note that this application relates to the cleared site of the former Druids Tavern public house and its car park, hard surfaced and grassed areas to the rear. The public house has been demolished and currently approximately half of the site remains hard surfaced and used as a temporary public car park.

In considering the proposal I am satisfied that the proposed car park would bring this currently untidy site which is of poor appearance back into a viable use and that its visual impact within the immediate streetscene, the surrounding Secondary Shopping Area and the adjacent Town Centre would be significantly improved. Although I am mindful that the proposed use would result in the loss of a number of mature trees and soft landscaping within the site, I consider that this loss would be mitigated by the proposed planting scheme as indicated on the submitted drawings which would further secure the visual amenity of the site.

Taking this into account I am of the opinion that the proposal would visually improve the appearance of the site and that it would sit well within the character of the streetscene and the wider Secondary Shopping Area and Town Centre.

Impact upon neighbouring amenity

Criterion a. of Policy S6 of the Replacement Local Plan requires proposals to not be detrimental to local residential amenity.

Criterion b. of Replacement Local Plan Policy ENV1 reflects this guidance and identifies that permission will not be granted for development that would have a significant adverse effect upon the amenities of adjoining occupiers or the locality in general by virtue of the level of activities on the site or the level of traffic generated.

I am mindful that the site is adjoined to the north and west by two storey residential properties. I note that Public Protection consider that the proposal would not raise any Environmental Protection issues.

Taking this into account I am satisfied that the proposed use would not result in a significant adverse impact upon the residential amenity of the occupiers of adjoining dwellings to justify refusal on these grounds.

Highway implications

Paragraph 32 of the NPPF states that planning decisions should take account whether safe and suitable access to the site can be achieved by all people and whether cost effective improvements can be undertaken to limit any significant impacts of the development. Development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Paragraph 40 of this document adds that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure.

Paragraph 40 of the NPPF needs to be balanced with the requirements of Policy 14 of the ACS (2013) which aims to manage demand for travel. The Travel Assessment submitted with the application has assessed the proposed car park in relation to promoting more sustainable forms of travel. The Travel Assessment indicates that the reduction in car parking space together with alternative forms of transport will contribute towards managing demand for travel and therefore the proposal complies with Policy 14 of the ACS (2013). I also note that supporting evidence has been deposited with the application in the form of a parking survey of Arnold Town Centre produced by 'Eye' consultants in February 2013 which found that there are 325 car parking spaces (excluding the existing informal car park on the site of the Druids) within the Town Centre. The survey reports that the average demand for parking spaces resulted in between 36 and 129 available spaces when the survey was undertaken in February 2013 which, the survey concludes, shows an additional capacity of between 29 and 83 spaces. The strategic reports produced by the Council and also analysis of its own car parking usage indicates that there is an over provision of car parking in Arnold Town Centre and that car parks are not used to full capacity.

I am mindful that the current proposal, although 0.3ha larger than previously approved, would provide 32 less parking spaces than the previously approved scheme. However, taking account of the 'eye' survey deposited with the application I am satisfied that there would be sufficient available parking spaces to meet demand even at peak times.

I therefore consider that the reduction in the number of car parking spaces would not have an adverse impact on the number of car parking spaces available in the Arnold Town Centre.

Policy T10 of the Replacement Local Plan advises that when considering proposals for new development, reference will be made to the Highway's Authority Highway Design and Parking guidelines. It adds that special attention will be given to providing parking spaces reserved for the disabled in all non-residential development. The subtext of this policy required that regard should be given to both highway safety and the need to ensure that urban areas are not made less attractive. Within the shopping centres new non-operational parking provision should be made available and designed to serve the centre as a whole.

Furthermore criterion c. of Replacement Local Plan Policy ENV1 requires that development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

I am mindful that there is a slight increase in the site area of 0.3ha. Although the number of parking spaces would be less than previously approved the increase in site area would improve the ability of vehicles to manoeuvre within the car park.

I note the comments of the Highway Authority following the submission of the revised car park layout plan and that no objections are raised in principle to the proposed development providing conditions are attached to any planning permission in relation to the provision and modification of access and exit arrangements and visibility splays, the marking out of parking bays, details of construction and surfacing material, drainage, and the submission of details of a pedestrian refuge, associated road markings and lighting.

I also note that the Highway Authority raise no issues should the proposed car park and the existing car park on High Street be in operation at the same time in terms of material impact upon the adjacent roads, providing conditions are attached should planning permission be granted in relation to the provision of grey anti-skid surfacing together with a pedestrian refuge.

I therefore consider that the suggested conditions are reasonable and appropriate and should be attached to any consent.

Taking these comments into account I am satisfied that the proposal would not result in any undue impact upon highway or pedestrian safety.

Other matters

Sustainable Transport

Paragraph 30 of the NPPF requires that encouragement be given to support reductions in greenhouse gas emissions. Paragraph 35 of this document advises that development should protect and exploit opportunities for the use of sustainable transport modes and that where practical should be designed to incorporate facilities for charging plug in and other ultra-low emission vehicles.

I note that two of the parking bays contain electrical charging points and that cycle racks are proposed within the car park. I am therefore of the view that consideration has been given to providing opportunities to promote sustainable forms of travel to and from the Town Centre and the Secondary Shopping Area.

Crime and anti-social behaviour

Criterion d. of policy ENV1 of the Replacement Local Plan states that development should incorporate crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space and well considered layouts and landscaping. I note that the Nottinghamshire Police Force Architectural Liaison Officer has raised no concerns with regards to the proposal and am therefore satisfied that the layout of the proposed car park and lighting, together with the application site being well viewed from the public realm and overlooked by neighbouring residential properties, will assist in the prevention of the likelihood of crime and antisocial behaviour occurring.

Conclusion

Taking these considerations into account I am satisfied that the proposed use is acceptable in this location and that it would not have any undue impacts upon the vitality or viability of the Secondary Shopping area of Arnold Town Centre, neighbouring amenity, the streetscene and highway safety. The proposal therefore accords with the above national and local plan policies.

Recommendation:

To 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 approved shall be carried out in accordance with the approved plans (drg. nos. G11/CP1/HSA03A and G13/CP1/HSA06A) deposited on the 23rd May 2013, revised plans (drg nos. G13/CP1/HSA09A, G13/CP1/HSA11A) and landscaping plans in relation to planting areas 1, 2, 3 and 4 deposited on the 25th June 2013.
3. The proposed lighting and CCTV hereby approved shall be implemented and maintained in accordance with the details indicated on drg. nos. G13/CP1/HSA03A and G13/CP1/HSA06A and specifications deposited on the 23rd May 2013 unless otherwise agreed in writing by the Borough Council.
4. The landscaping scheme hereby approved shall be carried out in accordance with the details of planting areas 1-4 and drg. no. G13/CP1/HSA11A deposited on the 25th June 2013 in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the

development shall be replaced in the next planting season by the applicants or their successors in title.

5. No part of the development hereby permitted shall be brought into use until the boundary wall hereby approved is erected in accordance with details indicated on the revised plan drg. no. G11/CP1/HSA03A deposited on the 23rd May 2013, thereafter the boundary wall shall be retained in accordance with the approved details for the lifetime of the development.
6. No development shall commence on any part of the application site until such time details of construction and surfacing materials to be used has been submitted to and approved in writing by the Borough Council. Works shall be completed in accordance with the approved details.
7. No part of the development hereby permitted shall be brought into use until access/exit arrangements including modification to the existing one (as shown on plan reference G11/CP1/HSA03A deposited on the 27th November 2012) are available for use and constructed in accordance with the Highway Authority specifications to the satisfaction of the Borough Council. The access/exit arrangements shall be maintained as such for the lifetime of the development.
8. No part of the development hereby permitted shall be brought into use until the access ways within the car parking layout, parking and turning areas as shown on the approved plans are surfaced in a hard bound material (not loose gravel). The access ways, parking and turning areas shall then be maintained in such hard bound material for the life of the development.
9. Prior to the development hereby approved first being brought into use, individual parking spaces shall be clearly marked out on site in accordance with the approved revised plan reference G11/CP1/HSA03A deposited on the 23rd May 2013. The parking spaces shall be kept available for parking in association with the development thereafter.
10. No development shall commence on any part of the application site until a pedestrian refuge in the close proximity of the site together with associated road markings and length of Grey anti-skid surfacing from the access point back to the Cross Street 'slip road' on High Street have been provided in accordance with details first submitted to and approved in writing by the Borough Council.
11. Pedestrian visibility splays of 2.0 metres x 2.0 metres shall be provided on each side of the vehicle access and exit points. These measurements are taken from edge of and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstructions at all times.
12. No part of the development hereby approved shall be brought into use until pedestrian footways have been provided within the hatched area adjacent to the entrance and exit points of the car park in accordance with details to be submitted to and approved in writing by the Borough Council. The pedestrian

footways shall thereafter be retained for the lifetime of the development in accordance with the approved details.

13. No part of the development hereby permitted shall be brought into use until the access ways, parking and turning areas are constructed with provision to prevent the unregulated discharge of surface water from the access way, parking and turning areas to the public highway in accordance with details first submitted to and approved in writing by the Borough Council. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.
4. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
5. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
6. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
7. In the interests of highway safety.
8. In the interests of highway safety.
9. In the interests of highway safety.
10. In the interests of highway safety.
11. In the interests of highway safety.
12. In the interests of pedestrian safety.
13. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

Reasons for Decision

In the opinion of the Borough Council, the proposed development is appropriate in

this location and would have no undue impacts on neighbouring amenity or the street scene. There are no Highway safety implications. The proposal therefore complies with the National Planning Policy Framework (2012) and Policies ENV1, S4, S6 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

Notes to Applicant

Please note that although the Plan reference G11/CP1/HSA03A indicates that access arrangements are indicative only, The Borough Council in determining this application have taken this to be the proposed access arrangements.

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. 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.

You are advised that planning permission does not override any private legal matters which may affect the application site, over which the Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights of light, etc.).

You must ensure that during the construction period there will be no mud or debris transported onto the adjacent roads. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

In order to carry out alterations to the existing vehicular access and to construct a new access at a different location on High Street the applicant will be undertaking work in the public highway, on land over which you have no control. In order to undertake the works the applicant will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council (Paul Ghattaora on telephone number 0115 9772117) at an early stage. You should also contact Paul Ghattaora at an early stage to discuss the appropriate process with regards to any other works within the public highway such as provision of new pedestrian crossing (pedestrian refuge) on High Street together with associated road markings, implementation of anti-skid surface which is normally carried out by our specialised team.

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.

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ACTION SHEET PLANNING DELEGATION PANEL 5th July 2013

2012/1335

Former Gedling Colliery Arnold Lane Gedling

Solar Farm

The main planning considerations of the proposal relate to the visual impact on the landscape and on ecology.

The Panel agreed to refer the application to Planning Committee

2013/0466

12 Priory Avenue Ravenshead Nottinghamshire

Retention of timber fence along boundary at front of property. Fence ends 530mm from pavement at a height of 1.5 metres (5ft)

The development has no adverse impact on the street scene or on highway safety.

The Panel agreed to delegate the decision to the Corporate Director

Decision to be issued following completion of paperwork.

Objectors to be notified by standard letter following issue of decision

SS

2013/0487

278 Foxhill Road Central Carlton Nottinghamshire

Retention of newly erected fencing adjacent to highway

The development has no adverse impact on the street scene or on highway safety.

The Panel agreed to delegate the decision to the Corporate Director

Decision to be issued following completion of paperwork.

Objectors to be notified by standard letter following issue of decision

SS

2013/0514

21 Crifftin Road Burton Joyce Nottingham

Form new 1st and 2nd floor, new extensions to front and rear, and convert garage into lounge.

The proposed development would have no adverse impact on neighbouring properties, the street scene or on highway safety

The Panel agreed to delegate the decision to the Corporate Director

Decision to be issued following completion of paperwork.

Objectors to be notified by standard letter following issue of decision

SS

2013/0542

Barn Stable And Cart Sheds Quarry Lane Linby

Renewal/Extension of Planning Permission - Proposed barn conversion (2010/0325)

The application was withdrawn from the agenda, as expected objections were not received.

2013/0543

Barn Stable And Cart Sheds Quarry Lane Linby

Renewal/extension of Listed Building Consent (2010/0326)

The application was withdrawn from the agenda, as expected objections were not received.

JC 5th July 2013

ACTION SHEET PLANNING DELEGATION PANEL 12th July 2013

2013/0530

1 Top Row Stoke Lane Stoke Bardolph

Erect conservatory to front and side.

The proposed development is of an acceptable size and design and would have no undue impacts on neighbouring amenity.

The Panel agreed to delegate the decision to the Corporate Director

Decision to be issued following completion of paperwork.

Parish and objector to be notified by standard letter following issue of decision **SS**

2013/0591

Land Adjacent To 6 Chapel Lane Ravenshead

Application to extend outline planning permission (2010/0663)

There has been no significant change in circumstance since the previous approval. The plot is of a size that could accommodate a dwelling and have acceptable relationship with the character of the area and neighbouring amenity.

The Panel agreed to delegate the decision to the Corporate Director

Decision to be issued following completion of paperwork.

Parish to be notified by standard letter following issue of decision **SS**

MR 12th July 2013

ACTION SHEET PLANNING DELEGATION PANEL 19th July 2013

2013/0298

76 Main Road Ravenshead Nottinghamshire

Vary Condition 3 2003/2822 -To reduce to width of the access serving no.76 and no.76A Main Road.

The proposed development would have no undue impact on highway safety, the appearance of the streetscene or the residential amenity of adjacent properties.

The Panel agreed to delegate the decision to the Corporate Director.

Decision to be issued following completion of paperwork.

Parish & objectors to be notified by standard letter following issue of decision.

SS

2013/0529

Elysium Newstead Abbey Park Station Avenue

Erection of double garage and workshop with removal of existing shed.

The proposed development would have no undue impact on the openness of the Green Belt, highway safety, the residential amenity of nearby properties or adjacent trees.

The Panel agreed to delegate the decision to the Corporate Director.

Decision to be issued following completion of paperwork.

Parish & objectors to be notified by standard letter following issue of decision.

SS

2013/0548

80 Walsingham Road Woodthorpe Nottingham

Replace the existing mono pitch roof to the rear of the property with a flat roof to form a balcony. Erect railings/screens on flat roof for privacy and safety. Replace bedroom window with doors to provide access to the balcony.

Excavate the rockery area to the rear of the property and build a retaining wall 2.5 meters high and pave the new flat patio area.

Erect a decking area adjacent to the rear boundary of the site and level the lawn area.

The proposed development would have no undue impact on the appearance of the dwelling or wider area or on the residential amenity of adjacent properties and trees.

The Panel agreed to delegate the decision to the Corporate Director.

Decision to be issued following completion of paperwork.

Objector to be notified by standard letter following issue of decision.

SS

2013/0561
41 Conway Crescent Carlton Nottingham
Single storey rear extension and front porch

The proposed development would have no undue impact on the appearance of the dwelling or streetscene, on the residential amenity of adjacent properties or on highway safety.

The Panel agreed to delegate the decision to the Corporate Director.

Decision to be issued.

Objector to be notified by standard letter following issue of decision. **SS**

2013/0598
Land Rear Of 153 Main Street Woodborough Nottinghamshire
Construction of proposed dwelling.

The proposed development would have no undue impact on the appearance of the Conservation Area & Local Interest Building, highway safety, flooding or on the residential amenity of adjacent properties.

The Panel agreed to delegate the decision to the Corporate Director, subject to the Urban Design & Conservation Consultant having no objections to the proposed development.

Decision to be issued following completion of paperwork.

Parish & objectors to be notified by standard letter following issue of decision. **SS**

NM
19th July 2013

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Agenda Item 8

PLANNING COMMITTEE – 7th August 2013

ITEM FOR INFORMATION

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> |
|---------------|----------------------------------|--|----------------------|
| 2012/1503 | 115 Main Street Calverton | Reserved Matters application further to outline application 2005/0910 | 28/08/13 |
| 2013/0500 | Land South of Colwick Loop Road | Construction of A1 retail unit with ancillary restaurant and concession units, service yard, car parking, landscaping and highways works (full application) and B1/B2/B8 employment uses (outline application) | TBC |
| 2013/0497 | Land South of Colwick Loop Road | Construction of A4 public house with restaurant facilities and associated managerial residential accommodation at first floor (full application) and A3 Restaurant or A5 hot food takeaway (outline application) | TBC |
| 2013/0546 | Land off Teal Close, Netherfield | Outline planning application comprising residential employment uses, a community hub, primary school, hotel, care home, playing pitches and changing facilities, public open space | TBC |

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.

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