



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

# Agenda

## Planning Committee

Date: **Wednesday 30 October 2013**

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Time: **6.00 pm**

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Place: **Council Chamber, Civic Centre.**

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For any further information please contact:

**Lyndsey Parnell**

Members' Services Officer

0115 901 3910

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# Planning Committee

## Membership

**Chair** Councillor John Truscott

**Vice-Chair** Councillor Barbara Miller

Councillor Pauline Allan  
Councillor Roy Allan  
Councillor Peter Barnes  
Councillor Chris Barnfather  
Councillor Denis Beeston MBE  
Councillor Alan Bexon  
Councillor John Boot  
Councillor 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 9 October 2013

In Attendance:      Councillor Barbara Miller                      Councillor Andrew Ellwood  
                            Councillor Pauline Allan                         Councillor Cheryl Hewlett  
                            Councillor Roy Allan                               Councillor Sarah Hewson  
                            Councillor Peter Barnes                         Councillor Jenny Hollingsworth  
                            Councillor Denis Beeston MBE                Councillor Mike Hope  
                            Councillor Alan Bexon                           Councillor Meredith Lawrence  
                            Councillor John Boot                             Councillor Marje Paling  
                            Councillor Bob Collis                            Councillor Suzanne Prew-Smith

Absent:                                      Councillor John Truscott, Councillor Chris Barnfather,  
    Councillor Colin Powell and Councillor Gordon  
    Tunnickliffe

Officers in Attendance:      P Baguley, J Ansell, B Pearson and F Whyley

### **56                      APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Barnfather, Powell, Truscott and Tunnickliffe.

### **57                      TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 18 SEPTEMBER 2013.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record, subject to the following amendment:

Minute no. 49, reason 45 to read:

“To ensure that any mitigation measures required as a result of the independent noise consultant’s investigations and report are carried out to ensure that the operation of the turbine is acceptable in terms of aural amenity.”

### **58                      DECLARATION OF INTERESTS**

None.

### **59                      APPLICATION NO. 2013/0745- DISCOUNT TILE CENTRE, 93**

## **MANSFIELD ROAD, DAYBROOK, NOTTINGHAMSHIRE**

Change of use of the premises from Discount Tile Warehouse to Class A1 Retail unit with associated external alteration and new car park layout.

The Service Manager, Planning and Economic Development, informed Members that the applicant was Majestic Wines.

**RESOLVED to GRANT PLANNING PERMISSION subject to the following amended 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 plan (drawing no 102.).
3. This permission relates to the planning statements deposited on the 17th July and 21st August 2013 and correspondence in relation to trees within the site deposited on the 2nd August and 23rd September 2013.
4. The use hereby permitted shall only operate between the hours of 09.00 hours to 21.00 hours Monday to Saturday and 10.00 hours to 18.00 hours Sundays and Bank Holidays.
5. No machinery shall be operated, processes carried out and no deliveries taken to or despatched from the site outside of the following times 09.00 hours to 21.00 hours Monday to Saturday and 10.00 hours to 18.00 hours Sundays or Bank Holidays.
6. No diesel forklift truck shall be used outside of the building and no audible reversing alarms shall be used by any electric forklift truck operating outside of the building at any time.
7. Before development is commenced the existing trees on the site shall be protected in accordance with BS5837 (Trees in Relation to Construction). The means of protection shall be retained until the layout of the car park and landscaping as shown on the drg. 102 is completed.
8. There shall be no storage of materials, vehicles, fuel, plant, soil or other ancillary items beneath the canopies of the protected trees on the site.

9. The use hereby approved shall not be commenced until the parking bays have been clearly delineated in accordance with drg. no. 102.
10. The parking, turning and servicing areas shall be retained for the life of the development and shall not be used for any other purpose other than parking, turning and loading and unloading of vehicles.
11. This permission relates to use of the premises by Majestic Wine Warehouse for the purposes specified in this application. Should Majestic Wine cease be operation, the use of the building shall revert back to a B8 (Storage and Distribution) Use Class and for no other purpose under the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in equivalent provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
12. Should Majestic Wine Warehouse cease operation the acoustic fence to the Byron Street boundary which was approved in February 2009 (application ref. 2008/1066) and which is confirmed to be removed in an email dated 10th October 2013 shall be reinstated as existing prior to the building reverting back to B8 (Storage Warehouse) Use . The reinstated acoustic fence shall then be retained as such at all times.

### **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. To safeguard protected trees on the site.
8. To safeguard protected trees within the site.

9. 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.
10. 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.
11. For the avoidance of doubt.
12. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

### **Reasons for Decision**

In the opinion of the Borough Council there are material economic considerations which outweigh the criteria under Policy E3 b.(i) of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008. The proposed use will result in no undue impact on the vitality and viability of Arnold Town Centre or on the amenities of neighbouring properties, the character or appearance of the area or highway safety. The proposal therefore accords with the National Planning Policy Framework (2012) and policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2008.

### **Notes to Applicant**

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.

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

## **60 PLANNING DELEGATION PANEL ACTION SHEETS**

### **RESOLVED:**

To note the information.

## **61 FUTURE PLANNING APPLICATIONS**

### **RESOLVED:**



To note the information.

**62**

**ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 6.15 pm

Signed by Chair:  
Date:

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# Agenda Annex

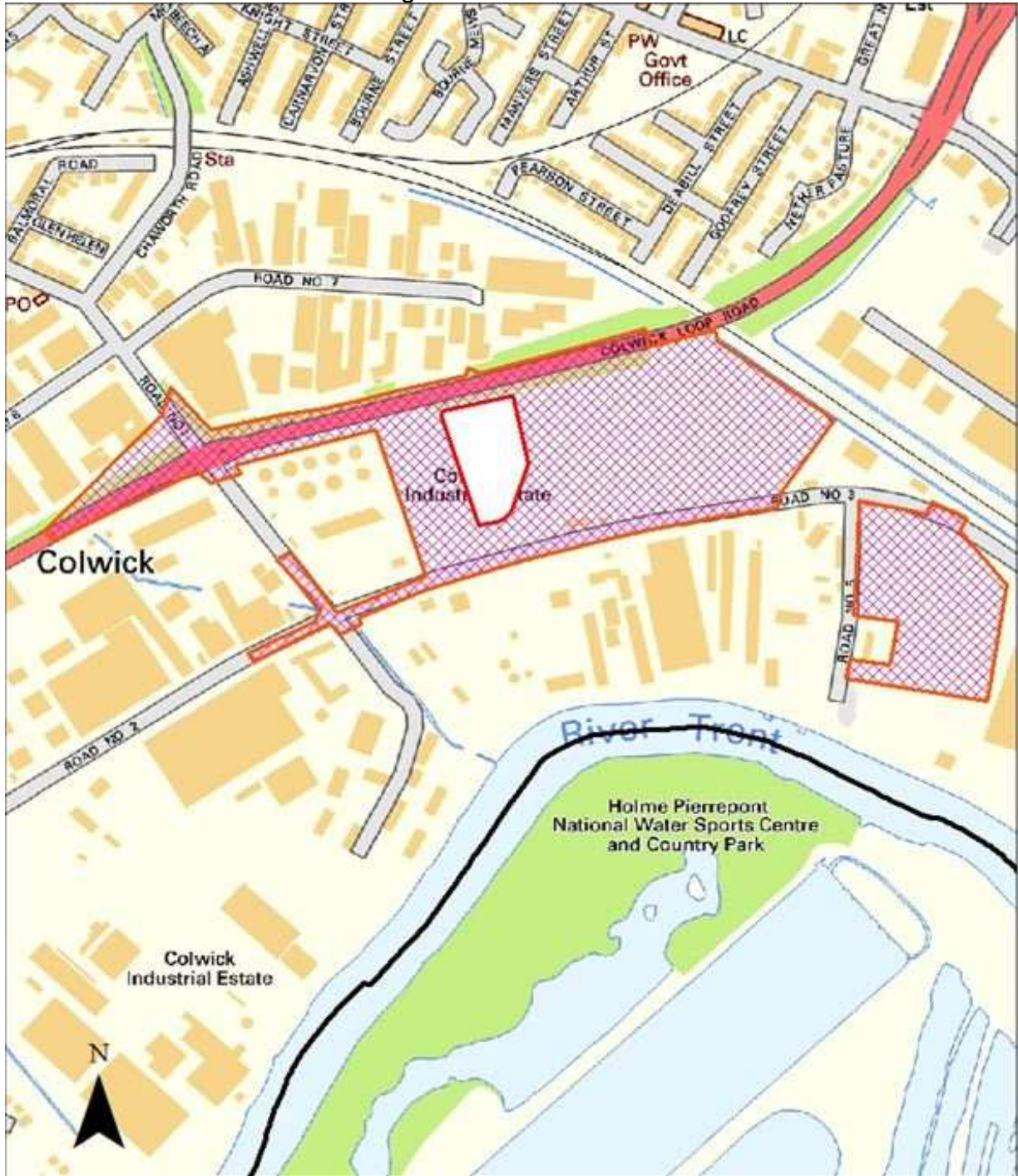
## PLANNING COMMITTEE PROTOCOL

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:** 2013/0500  
**Location:** Land South Of Colwick Loop Road Colwick Nottinghamshire NG4 2JS



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

<b>Application Number:</b>	2013/0500
<b>Location:</b>	Land South Of Colwick Loop Road Colwick Nottinghamshire NG4 2JS
<b>Proposal:</b>	Construction of A1 retail unit with ancillary restaurant & concession units, service yard, car parking, landscaping & highways works (full application) & B1/ B2 / B8 employment uses (outline application)
<b>Applicant:</b>	Sainsbury's Supermarkets Ltd & City Estates
<b>Agent:</b>	Miss Hannah Smith

### **Background**

This application is inextricably linked to Planning Application no.2013/0497 for the construction of a public house with restaurant facilities and associated managerial accommodation at first floor (full application) and an A3 or A5 hot food takeaway (outline application). A separate report has been prepared for application 2013/0497.

Both applications share an access to Colwick Loop Road. The application also raises complex planning issues in particular in relation to the impact on highways and its location close to the Total Lindsey Oil Refinery Terminal.

### **Site Description**

The application site extends to a total of 10.86 hectares and relates to two distinct parcels of land. The larger comprises former petroleum storage sites on land south of Colwick Loop Road, and the second area lies off Road 1 on the industrial estate to the south. Colwick Loop road is elevated above the sites with the residential area of Netherfield beyond. To the west lies the current Total UK fuel terminal.

The larger, northern, site is brownfield land, left vacant since 2009 after demolition of the former Chevron, Save and Esso fuel terminals. The site is generally level and comprises remediated crushed material that forms a large area of open ground surrounded by a metal chain link fence to the site perimeter. There are small areas of self set vegetation.

The eastern part of this site was formerly occupied by Save, but is now occupied by Trust Civil Engineering Ltd., and comprises portable buildings and open storage.

The railway borders the site to the east and is elevated above the site. At the base of the railway embankment is an open drainage ditch. Along the northern boundary there are two 'live' fuel pipelines running west to east while a second redundant pipeline runs along the southern boundary.

The southern site is an area occupied by open storage areas containing construction materials and concrete drainage pipes and areas of hardstanding surrounded by a metal chain link fence to the site perimeter.

To the east, on the opposite side of the railway line, is Victoria Park which includes a Morrisons and Lidl food store.

### **Proposed Development**

A hybrid planning application has been submitted proposing as follows:

Full planning permission sought for a Sainsbury's food store on the northern site; consisting of:

- 11,781m<sub>c</sub> (126,811ft<sub>c</sub>) Gross External Area of which 7,665m<sub>c</sub> (82,506ft<sub>c</sub>) net sales area.
- In store restaurant.
- 3 ATM's
- Staff areas and storage.
- A service yard
- 798 car parking spaces (including 46 disabled, 46 parent & child and 6 electric car charging points)
- Motorcycle and bicycle parking
- 9 pump petrol filling station with canopy over
- Car wash
- Petrol station kiosk of 111m<sub>c</sub> Gross External Area
- Highway works including a new access road, from Colwick Loop Road, plus a package of off-site highway works.

Outline planning permission on the land off Road 1 to the south; for B1, B2 and B8 employment units with a minimum Gross External Area of 6,440m<sub>c</sub> and maximum GEA of 9,894m<sub>c</sub>. All matters are reserved for subsequent approval except means of access, which would be taken from Industrial Estate Road 3.

The applications are accompanied by the following documents

Environmental Statement.  
Retail Report.  
Off Site Risk Assessment.  
Noise Assessment.  
Renewable Energy and Efficiency Assessment.  
Air Quality Assessment.  
Statement of Community Involvement.  
Drainage Statement.  
Flood Risk Assessment.  
Travel Plans.  
Arboricultural Report  
Ecological Appraisal.  
Transport Assessment.

### **Consultations**

Colwick Parish Council – Concerns over traffic volume and the infrastructure of the roads in terms of build-up down Mile End Road and past Rambler's Close.

Nottingham City Council – Object to the proposed development on planning policy grounds as it constitutes out of centre development, which is contrary to the National Planning Policy Framework (NPPF), which recommends that a sequential approach is applied when assessing planning applications. This approach requires main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. The site is out of centre and is therefore considered unsuitable for retail development. Whilst the Greater Nottingham Retail Study (2008) concluded that 'a new district centre could potentially be developed in the general area between Mapperley Plains and Carlton Square', it is difficult to see how a supermarket in the proposed location would fit this criterion. Further to this, the draft update to the retail study concludes that further capacity is only available at Arnold, further suggesting that this location would not serve the identified capacity within the Borough.

It is recommended that the Travel Plan is conditioned to ensure that it is implemented at all times and that individual businesses develop their own, unit specific sustainable transport strategies to promote a reduction in car dependency. References in the Travel Plan to the Commuters Planners Club and the trip times website have been replaced with the Big Wheel Business Club and [www.traveline.com](http://www.traveline.com) respectively.

Section 106 contributions are requested as follows:



A contribution of £100,000 per annum to allow for the Citylink 2 bus service to be extended into the site to better serve staff and customers, improve the frequency of services from every 15 minutes to 12 minutes. This service would also provide staff with free travel on the Citylink 2 service enabling them to utilise the park and ride facility at the racecourse.

A contribution of £250,000 is sought towards a major bus priority scheme known as the Southside Growth Corridor which will provide enhanced bus services from Daleside Road through to Beeston via the Racecourse Park and Ride site, the Waterside Regeneration Zone, the Creative Quarter, the Southern Gateway Regeneration Zone (Broadmarsh and Turning Point South), the Station Hub, Queen's Drive Park and Boots Enterprise Zone.

Rushcliffe Borough Council – No comments received.

Notts County Council (Ecology) – No comments received.

Notts County Council (Highways) – The proposed new access from Colwick Loop Road and the alterations to the existing Road 1/Loop Road junction are acceptable.

The proposals to ban HGV's on Mile End Road and Vale Road will require a Traffic Regulation Order.

The County Council have been in negotiation with the agents and consider that the works above and the provision of 2 bus stops will cost in excess of £1.49m. No further contributions are required providing those items are provided by the applicant.

Notts County Council (Rights of Way) – The application may impact on Carlton Public Foot Paths no.23 (Road No 1) & No 22 (Road No 3), which run alongside the west and south boundary of the site.

Whilst not an objection, the Rights of Way Office would require that the availability of Carlton Foot Paths No 22 & 23 are not affected or obstructed in any way by the proposed development at this location, that they be consulted in respect of any re-surfacing issues and that developers be aware of potential path users in the area who should not be impeded or endangered in any way.

Notts County Council (Arboriculture) – No objections to the proposed development.

Gedling Borough Council (Trees) – States that the site does not contain any trees of significance, but it is clear that the new access will require removal of trees and vegetation, causing a loss of local amenity. The loss will require mitigation in the form of appropriate landscaping elsewhere on the site.

Environment Agency – Raise no objections if the site can be adequately managed during a flood event. Request conditions that development is carried out in accordance with the submitted Flood Risk Assessment. In addition conditions need to

be submitted in respect of surface water drainage, contaminated land, tank storage, and floor levels.

Severn Trent Water – No objections subject to the inclusion of a condition requiring drainage plans for the disposal of surface water and foul sewage to be submitted and approved.

Notts Wildlife Trust – Do not object to the applications but make the following comments.

The Trust welcomes the submission of the ecological appraisal report, and note that surveys of a number of taxonomic groups (bats, birds, reptiles, amphibians and, in addition, invertebrates) have been carried out. The Trust is pleased to see a note on the detailed planting plans in relation to “ecology initiatives” where bat and bird boxes and log piles are noted. The Trust would like to see a mechanism to secure this, such as a planning condition.

The amended planting plans received on 26<sup>th</sup> July now included species such as bird’s-foot trefoil, Mugwort, Weld, Willows, Osier, wildflower), to provide habitat for certain locally important invertebrates.

In relation to the landscape master plan generally, the Trust would like to have seen stronger (i.e. wider, continuous green links or habitat corridors) provided along the southern and eastern development boundaries of the main site. To offset loss of brown field habitats; the Trust would be grateful if inclusion of green or brown roof could be considered for some of the employment buildings subject to outline consent.

Finally, the Trust support the advice in paragraph 207 in relation to site clearance outside the nesting season and recommend a condition is used to protect nesting birds.

Police Architectural Liaison Officer – Have previously met with the Architect and discussed the proposals in detail.

No concerns as to the application for an A1 Retail unit with car parking provision. It is understood that the A1 retail unit (Sainsbury’s) will not be open 24 hours per day, so the Police request that the car park has the capability of being secured after normal shopping hours, this will prevent the car park from being misused, as these problems have occurred on a nearby retail unit. The retail unit will increase crime in the local area, i.e. shop theft etc, but unfortunately the increased crime is a by product of the retail unit, or indeed any retail unit, and the Police are aware that Sainsbury’s have a robust crime reduction plan in place as part of their company policy.

The application also includes B1/B2/B8 employment uses; we have no concerns regarding these.

Natural England – State that the site is in close proximity to the Colwick Cutting Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

It is noted that a survey for European Protected Species (bats and badgers), has been undertaken in support of this proposal. Natural England does not object to the proposed development. Furthermore the proposed development would be unlikely to affect bats or great crested newts.

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

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

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Network Rail – Raise no objections although issues relating to a level crossing need to be addressed, including matters of drainage, boundary fencing, barriers, method statement, lighting and landscaping.

Department for Transport – No comments received.

Office of Rail Regulation – No comments received.

Ramblers Association – No comments received.

Health and Safety Executive – On the basis that the site itself constitutes a hazardous site, the risk of harm to people at the proposed development is such that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission. This reflects the fact that the proposal involves an indoor use

by the public development with over 5,000 m<sup>2</sup> of floorspace, which will be sited within the inner zone of the Esso Petroleum Company Ltd and Chevron Ltd sites.

HSE advise against the proposed employment use as it also lies within the inner zone of the Esso Petroleum Company Ltd site this aspect of the proposed development; if any building contains 100 or more people, or 3 or more occupied storeys.

The HSE however indicate that until all of the hazardous substances consents on the these site have been revoked, HSE's consultation distances will remain in place and HSE will continue to advise against granting consent If the hazardous substances consents are revoked, then the consultation distance around the site will be removed and the Borough Council will no longer need to consult HSE on developments in its vicinity.

Alternatively a suitably worded condition could be included in the planning permission which would prevent the occupation of the development until the relevant hazardous substances consents for the Esso Petroleum Company Ltd and Chevron Ltd have been revoked.

Canal and River Trust – No comments received.

Planning Policy – State that this is an out of town site and a protected employment site, with the result that retailing is not in accordance with policy. However the applicant has demonstrated extensive marketing of the site in accordance with Local plan Policy E3. It is considered that there would be sufficient employment land remaining if the plans for the food store were approved. The assessment of alternative sites is accepted. The Retail Impact assessment is satisfactory and it is accepted that there will be no significant adverse impact on nearby centres. Additionally weight should be attached to the fact that the scheme would bring about redevelopment of a major contaminated Brownfield site, and provide a number of jobs. In summary therefore no objections are raised.

Scientific Officer – Advises as follows:

It is correct to state that the site has been subject to extensive works to ensure that groundwater (controlled waters) have been assessed and remediated to the Environmental Agency's satisfaction. The Scientific Officer agrees that provided that adequate remedial measures are carried out, the re-development will have a beneficial effect with regard to the sites impact on the soil and groundwater environments.

However, the risk assessment for human health related only to the 'yard area' around the loading gantry and only related to hydrocarbon contamination. The Local Authority has indicated that this assessment for this area and these contaminants was satisfactory and the site was suitable for its current use (as a piece of fenced, undeveloped land). The assessment has concentrated on the 'yard area' and looked

at only the hydrocarbon issues. Large areas of the site have had little physical assessment and no actual assessment regarding other potential contaminant linkages (asbestos, metals, PAHs, ground gas etc).

With regard to the groundwater, the Scientific Officer would recommend that the Environment Agency be consulted to ensure their views are taken into account. Additionally, if this is the case then the Scientific Officer would recommend further consideration is given to the vapour intrusion pathway in the AWP conceptual models alongside the assessments they are carrying out regarding ground gases.

Conditions will need to be attached to any consent to ensure that issues relating to land contamination are fully assessed.

The Air Quality Assessment submitted has been carried out to best practice. However the following comments are made.

Table 21 indicates that in the next 5 years annual mean NO<sub>x</sub> concentrations at receptors will fall. We understand that the Emissions Factor Toolkit (EFT) used was the most up to date but we do not believe, based on our monitoring, that these kinds of reductions in concentrations will be forthcoming in the next 5 years, even as Euro 6 vehicles start to enter the fleet. As such we believe it prudent to carry out a sensitive test whereby the background and vehicle emission rates are held at 2012 levels and used in the modelling of future concentrations. The conclusions regarding 'significance' should then be based on the results of this sensitivity test.

Additionally as this is a major development we would expect that the change in emissions (NO<sub>x</sub> and PM<sub>10</sub>) would be monetised using the pollutant damage costs (per tonne) specified by the Defra Inter-Governmental Department on Costs and Benefits (IGCB). <https://www.gov.uk/air-quality-economic-analysis>

The calculation uses the most current EFT to estimate the additional pollutant emissions from a proposed development. This will provide the relevant pollutant emissions outputs for the mitigation calculation, which is then multiplied to provide an exposure cost value. This value is used to inform costing the required emissions mitigation for the development. (See below).

Section 5.3 'Operation' indicates that no mitigation measures are proposed. Whilst from an air quality objectives point of view the development may not be significant, we would consider any development would lead to an increase in road transport emissions. As such some mitigation would be required to ensure the re-development is sustainable from and emissions point of view.

I recommend that each part of the development should include an individual Mitigation Statement outlining the mitigation proposal including formalising of the Construction Phase mitigation measures as per Section 5.3 of the report; and provision of Electric Vehicle (LEV) Charging Points (Sainsbury's Store – 5 No. for customers 1 No. for staff. With infrastructure put in place to allow for an expansion to

a total of 10 No. points for customers and 2 No. staff in future. Industrial Area – 1 No. point with provision for expansion to 2 No in future. )

In addition the following matters need to be secured

Travel Plan including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies.

Designation of parking spaces for low emission vehicles.

All commercial vehicles should comply with either current or previous European Emission Standards from store opening, to be progressively maintained for the lifetime of the development.

Fleet operations should provide a strategy for considering and reducing emissions, including possibilities for the take up of low emission fuels and technologies (ECOStars or similar).

The assessment for air quality impacts, as carried out as part of these applications is based on a model that predicts air quality impacts and as such is an estimate of the atmospheric emission impacts.

This service would wish to confirm these impacts through monitoring once the store is operational. As such this service would request a Section 106 contribution to undertake 4 years of low cost monitoring at affected areas commencing during the construction phase. The contribution amount to be agreed should permission be granted.

The matters raised by the Scientific Officer were addressed by the applicant and the Officer raises no objections to the proposal.

Waste Services – Raise no comments.

Urban Design Consultant – Has concerns about the expanse of the parking area which is uninterrupted by any landscaping. Considers areas of mass planting should be incorporated in a cruciform shape within the car park to divide it up into 4 sections surrounded by greenery. In addition the Consultant has also advised he would like to see a materials panel to judge the appearance.

Following the submission of photographs showing other Sainsbury's car parks the Consultant advised this reinforced their view that more significant planting is required for the proposed car park serving the proposed retail unit. The Consultant recommends an every row proposal of trees every 2 spaces as per the example photographs. The Consultant is also concerned about the types of trees that might

be used and does not consider such changes are anywhere near enough to enhance the parking area and strongly objects.

Economic Development Officer – There is a genuine desire on the part of the developer and Sainsbury's to develop local employment opportunities as part of this application. The specifics of this need to be included in the proposals. Jobs are a major priority of this council and with the site being so close to Netherfield (one of the council's priority areas), the aspiration is for any potential development to work with the council to maximise the potential job opportunities for this community.

Without a commitment in writing, the employer may choose to work with a neighbouring authority to assist with employment which would actually exclude Gedling residents from those opportunities.

#### Other Publicity and Neighbour Notification

The application has been advertised by site notice and in the local press as being accompanied by an Environmental Statement, as a departure from the development plan and as affecting a right of way.

As a result of this other publicity and the neighbour notification process I have received 5 written representations in support of the proposals, and 3 raising concerns summarised as follows.

The roundabout proposed on the new access roads will make access along the existing industrial estate roads tortuous and difficult for HGV's to negotiate.

The roundabout will have customers cars mixed with HGV's going to the existing industrial estate.

Mile End Road is the continuation of Industrial estate Road 2 and 3. This has become more and more busy and the pavements are well used.

The signs restricting lorry access along Mile End Road are ignored. There have been accidents on Mile End Road and at its junction with Colwick Loop Road.

The proposals will greatly increase traffic and accident potential, especially during construction.

The filter traffic lights on the junction of Mile End Road and Colwick Loop Road encourage traffic to enter the industrial estate there rather than at the next junction, so this should be removed.

The junction of Road 1 and the Loop Road should be changed to add a filter lane, or replaced by a roundabout.

Heavy traffic should be banned from Mile End Road.

Speed restriction signs should be placed on Mile End Road.

Detrimental effect on Netherfield.

In addition specific technical details have been raised by the adjoining business as follows.

Total Lindsey Oil Refinery Ltd - TLOR raised objections in relation to application reference 2013/0497, which are set out in the report relating to that application.

### **Planning Considerations**

In my opinion the main planning considerations in the determination of this application are:

- Whether the proposal would constitute a sustainable form of development.
- The appropriateness of a retail proposal in this out of town location, including the loss of allocated employment land.
- The likely impact of the food store on the vitality and viability of other centres.
- Highways and traffic implications.
- The risk posed by the presence of the adjacent fuel terminal.
- Flood Risk and Land Contamination.
- The impact on the highway network and transport safety.
- The appropriateness of the proposed design.
- The impact of the proposed development on local amenity including air quality
- The impact of the development on nature conservation and the need to enhance biodiversity.

### **Principle of development**

This section considers whether the retail proposals are acceptable in principle having regard to planning policy. This assesses the loss of employment land, the impact on existing retailing, and alternative sites.

The National Planning Policy Framework (NPPF) has at its heart the principle of sustainable development. Paragraph 19 of the NPPF states that “significant weight should be placed on the need to support economic growth through the planning system”. It seeks to protect the vitality and viability of town centres, by adopting a sequential approach to new retail plans, with sites within town centre boundaries, being preferred to those on the edge of or outside town centres.

The following sections of the National Planning Policy Framework (NPPF) (2012) are particularly relevant in considering these proposals:

- Building a strong, competitive economy (Paragraph 18 – 22)
- Ensuring the vitality of town centres (Paragraphs 23 – 27 )
- Promoting sustainable transport (Paragraphs 29-41)
- Requiring good design (paragraphs 56-68)
- Promoting sustainable transport (Paragraphs 29 – 41)
- Requiring good design (Paragraphs 56-68)
- Meeting the challenge of climate change, flooding and coastal change (Paragraphs 93 – 108)



Conserving and enhancing the natural environment( Paragraphs 109 – 125)

At the local level the following policies of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) are relevant:

- RLP Policy ENV1 (Development Criteria)
- RLP Policy ENV2 (Landscaping)
- RLP Policy ENV3 (Development on Contaminated Land)
- RLP Policy ENV6 (Energy efficiency)
- RLP Policy ENV8 (Development affecting hazardous substance sites)
- RLP Policy ENV11 (Pollution Generating Development)
- RLP Policy ENV41 ( Flooding)
- RLP Policy ENV42 (Aquifer Protection)
- RLP Policy S11 (Retail Development Outside Shopping Centres)
- RLP Policy S12 (Retail Development Outside of District, Local and Town Centres)
- RLP Policy S15 (Petrol Filling Stations)
- RLP Policy S17 (Security Shutters)
- RLP Policy E3 (Retention of Employment)
- RLP Policy E4 (Employment development on unallocated sites)
- RLP Policy T1 (New Developments – Developer Contributions)
- RLP Policy T2 (Sustainable transport)
- RLP Policy T8 Cycle facilities)
- RLP Policy T9 (Cycle Routes)
- RLP Policy T10 (Highway Design and Parking Guidelines)

The Gedling Borough Aligned Core Strategy Submission Documents (ACSSD) have been adopted for development management purposes by the Council. As such weight can be attached to these policies. The following policies are relevant:

- ACS Policy A: Presumption in Favour of Sustainable Development
- ACS Policy 1 (Climate Change)
- ACS Policy 4 (Employment Provision and Economic Development)
- ACS Policy 6 (Role of Town and Local Centres)
- ACS Policy 7 (Regeneration)
- ACS Policy 10 (Design and Enhancing Local Identity)
- ACS Policy 14 (Managing Travel Demand)
- ACS Policy 15 (Transport Infrastructure Priorities)
- ACS Policy 17 (Biodiversity)
- ACS Policy 18 (Infrastructure)
- ACS Policy 19 (Developer Contributions)

The site is allocated for employment uses within the Gedling Borough Replacement Local Plan. Policy E3 is considered to be up to date and consistent with the National Planning Policy Framework and is therefore relevant to the consideration of this application and needs to be given weight. Policy 4 of the Aligned Core Strategy is also relevant although because there are still unresolved objections to the policy,

only limited weight should be given to it. Policy E3 and Policy 4 do need to be considered in the context of paragraphs 18-22 of the NPPF which relate to the need to build a strong competitive economy and the requirement of the planning system to support economic growth.

### **Proposed Use of the Site**

Paragraphs 18-22 of the NPPF relate to building a strong competitive economy. Paragraph 19 states “significant weight should be placed on the need to support economic growth through the planning system”. Paragraph 22 identifies that the long term protection of sites should be avoided if there is no reasonable prospect of a site being used for that purpose.

Policy E3a of the Replacement Local Plan defines the extent of the protected employment area at Colwick and states that planning permission will be granted for the expansion, conversion or development of land for employment purposes (other than retail) provided the development does not cause traffic, amenity or conservation problems.

Policy E3b sets out that permission for alternative uses will not be granted unless:

- i. The retention of the site or premises for its specified employment uses has been fully explored by extensive marketing and advertising without success; and,
- ii. The proposed use would cause no traffic, amenity or conservation problems.

It is considered that Policy E3 is up to date and consistent with the NPPF. The policy identifies sites to be retained for employment purposes and also includes criteria to allow for alternative uses.

Policy 4 of the Aligned Core Strategy sets the economic strategy for Greater Nottingham and identifies that the economy of the area will be strengthened and diversified. For Gedling Borough it requires the provision of 22,800 sq metres of new office and research floorspace and 10ha of industrial and warehousing land. Policy 4.1(h) sets out that:

the areas most attractive to the market will be appropriately managed to ensure they remain available for employment uses;  
retain good quality existing sites that are an important source of jobs, especially those that support less-skilled jobs in or near deprived areas or have the potential to provide start up or grow-on space; and  
considering the release of sites that do not meet the two criteria above.

Paragraph 3.4.2 of the supporting text to the policy recognises the role that other types of employment generating uses, including retail, will play in the economy of

Greater Nottingham. Retail proposals will still need to accord with relevant other policies related to Town Centres.

There are unresolved objections to this policy related to the amount of floor space and how this is expressed, whether the NCRELS assessments are flawed and whether there is sufficient guidance on when to retain or release employment sites. As these objections are considered significant only limited weight should be given to Policy 4 of the Aligned Core Strategy.

The Nottingham City Region Employment Land Study (NCRELS 2008) assessed Colwick Industrial Estate as 'average' in terms of Market Appeal and recommended that the site is retained for employment use.

The employment element of the proposal, submitted in outline as part of application 2013/0500, accords with Policy E3 of the Replacement Local Plan. As such there are no planning objections to this element of the proposal.

In terms of considering the release of the remainder of the employment land for alternative uses, there are two issues. Firstly whether, 'extensive marketing' of the site has taken place to show there is no reasonable prospect of the site being used for the employment uses identified in the Replacement Local Plan. Secondly, whether there is sufficient employment land within Gedling Borough and across the wider Greater Nottingham area to meet the need identified in the Aligned Core Strategy.

The Planning and Retail Report includes details of the marketing exercise that has been undertaken for the site since 2002. The exercise has included the publication of sales particulars, on site signage and various mailings to property agents and business with registered enquiries of over 5,000sq foot. The marketing exercise indicated that this site was less preferable to investors than sites closer to the M1. Full details of the various enquiries and discussions can be found in Appendix 10 of the submitted report.

Enquiries for short term use of the parts of the site (between 0.25 to 1 acres) for storage occupiers were received prior to 2008 but did not progress. Since marketing of the full site began in 2009 detailed discussions were held with a number of potential operators:

Costco – 140,000 sq ft cash and carry.

Fresh Start – 10,000 sq ft food preparation facility

National Autoparts – vehicle component manufacturing and distribution

In these cases the site was either deemed less preferable than sites closer to the M1 or the lack of market confidence resulted in the scheme not progressing.

Overall it is considered that there is evidence of extensive marketing sufficient to accord with Policy E3b of the Replacement Local Plan.

Given the current economic climate it is important to consider the longer term need for employment land. Taking account of predicted employment loss and the potential loss here of around 6.38ha due to non-employment uses, and at Teal Close of around 10ha as a result of the planning application currently being determined (ref 2013/0546) there will be sufficient employment land to meet the figures identified in the Aligned Core Strategy. (22,800 square metres of new office space and research floor space and 10ha of industrial and warehousing land). If this application is approved any further loss of employment land is likely to be resisted. To provide a buffer and flexibility, other small scale opportunities will likely be identified through future development plan documents, especially the Local Planning Document which is expected for public consultation in Autumn 2013.

### **Impact on other retail centres**

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

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

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

There are therefore two elements which will be considered:

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

There is not a specific policy requirement to demonstrate ‘need’ for retail proposals, but ‘need’ does form an important part of assessing the identified customer catchment and understanding the potential impact of the proposal.

The Greater Nottingham Retail Study (2008) identified a need for a new supermarket to serve the area between Mapperley Plains and Carlton Square. This was backed up by the recent update to the Retail Study (2013). The recommendation in the 2008 study was based, in part, on the redevelopment of the former Gedling Colliery site which would include provision of a new district centre providing an opportunity for a superstore to act as an anchor for the new centre. While efforts continue to secure that site’s redevelopment, there are complex site constraints and accordingly, there is insufficient certainty that the site will be developed within a foreseeable timescale, it should therefore be discounted as an alternative location.

The non development of Gedling Colliery will affect the area of need. A planning application at Teal Close to east of the proposal site, including large scale new housing is currently under consideration. If that proposal is approved the customer demand base (or “need”) will likely move south away from the Mapperley Plains area, towards this area.

The applicants have considered sites in Arnold, Carlton Square, Netherfield and Nottingham City Centre as alternatives for the proposals. It is considered that the customer catchment identified is reasonable for the proposal.

**Alternative sites**

The following sites have been identified by the applicant. For a food store of the size proposed, plus a petrol filling station, sites of 4.7ha minimum are required :-

<b>Site</b>	<b>Applicants Comments</b>	<b>Planning Policy conclusion</b>
Broadmarsh Shopping Centre, Nottingham City Centre  10.15ha	Not suitable as comprises existing retail uses. Food store would require redevelopment of whole site. In active use so not available.  Demolition of site and relocation would likely affect viability.	Not a viable alternative.
High Street Car Park, Arnold	Insufficient size for food store.  Not available for restaurant/public house as GBC not looking to sell.	Alternative car parking proposed nearby but redevelopment of the site is not advanced enough for it to be considered as

0.3ha	Loss of off-street car parking conflicts with Policy S4 of RLP. Lack of access onto Front Street affects marketability of site.	available.  Not a viable alternative.
Arnold Health Centre, Arnold  0.3ha	Insufficient size for food store.  Currently being redeveloped for new health centre	Not a viable alternative.
Former Druids Tavern and adjacent land, Arnold  0.49ha	Insufficient size for food store.  Currently in use as car park, restaurant and offices. Loss of off-street car parking conflicts with Policy S4 of RLP.	Not a viable alternative.
Friar Tuck Public House, Arnold  0.41ha	Insufficient size for food store.  Currently operational as Public House so not available for restaurant/Public House.	Not a viable alternative.
Arnold Library and Leisure Centre, Arnold  0.45ha	Insufficient size for food store.  Currently occupied and users would need to be relocated. Site is not available.	Not a viable alternative.
BT Telephone Exchange, Carlton Sq	Insufficient size for food store.  Currently occupied and users would need to be relocated. Site is not available.	Not a viable alternative.
Former Windsor Castle Public House, Carlton	Insufficient size for food store.	Further consideration required. (see below)

Sq		
Former Infant School, Netherfield  2.2ha	Insufficient size for food store.  Site is available and likely viable for restaurant and public house use. Likely to be residential amenity issues which mean the site is not suitable for these uses. The site is not prominent enough for the operators.	Not a viable alternative.

Further consideration has been given to the former Windsor Castle public house site. The building's current use is as a public house and is no longer being demolished to make way for the extension to the supermarket. The considerations relevant are the

- Site is too small to accommodate a food store and ancillary requirements
- Site is currently not being marketed for sale or lease and is not considered to be available.

It is accepted that the Windsor Castle site is not a viable alternative for the proposed food store, although it is sequentially better located.

Overall it is considered that there is no suitable, available or achievable location in or on the edge of a centre for the supermarket. As such compliance with the sequential assessment has been demonstrated.

### **Impact on other retailing**

The site is an out of centre location and retail use is not in accordance with the Replacement Local Plan or Aligned Core Strategy. One of the key considerations is the impact the proposal will have on the vitality and viability of the centres within its catchment in terms of the impact on the turnover of the existing in centre stores and the impact on investment in centres.

Out of centre stores, such as the existing nearby Morrisons, are not offered any protection by the NPPF or by policies in the Replacement Local Plan or RSS. Any adverse impact on them should be given limited weight.

In determining the impact of the proposal it is commonly held that 'like-affects-like' basis. This means that similar stores will compete against each other. The proposed store would operate as a 'weekly convenience store' and will therefore compete with the other weekly convenience stores in the area. Table 1 identifies the

level of expenditure available for convenience and comparison goods from the catchment of the proposed store, at the present and once the proposed store is open. This shows the combined turnover of the existing centres and out of centre stores within the catchment of the proposal in 2018. This includes turnover which derives from outside the catchment. The table identifies the impact of the store itself alongside the other retail commitments (i.e. sites with planning permission for retail which are not yet operating). Impact has therefore been tested by the applicants on the basis of the proposed store and the cumulative impact with other approved schemes.

**Table 1**

	2013	2018
Convenience	£469.61 million	£506.87 million
Comparison	£621.87 million	£710.76 million

The applicants have forecast the impact of the proposed food store on retailing at Carlton Square, West Bridgford and Radcliffe. The impact on West Bridgford and Radcliffe in relation to expected reduction in trading would be 0.41% and 1.40% respectively. Given the distance to the centres and the different parts of the Greater Nottingham conurbation that these two centres serve it is not considered that the additional impact from the proposed Sainsbury's store is significant in terms of the NPPF.

Carlton Square's turnover will reduce by 16% in 2018 as a result of the proposed food store at this site and other committed stores, although the majority of this impact is on the existing Tesco store. Of the £9.61 million that will be drawn away from Carlton Square, £9.38 million will be drawn away from the Tesco. The applicant states that the Tesco store is trading well above the 'benchmark' level (the level at which the operator expects to trade at) and can comfortably accommodate the level of trade lost to the proposed food store without being at risk of closing down. The other stores within Carlton Square are less likely to be directly affected by the proposal based on the 'like affects like' principle. The applicant also notes that, given the nature of the road layout at Carlton Square, there are limited linked trips between Tesco's and the rest of the centre and that the Tesco store is an edge of centre location.

Given that the vast majority of the impact will be on the Tesco store, which appears from the evidence presented to be capable of accommodating the impact identified, it is considered that there will not be a significant adverse impact on Carlton Square. The purpose of the 'town centre first' approach is to protect the vitality and viability of the centre as a whole and not to protect individual stores within them.



The majority of the impact from the proposed food store will be on the existing out of centre stores, especially the nearby Morrisons. Given that these stores are out of centre they are not offered any protection by the NPPF or Development Plan. Therefore only limited weight should be given to the impact on these stores.

Overall it is considered that there is unlikely to be significant adverse impacts on the nearby centres and there are no planning objections to the proposal.

### **Impact on Transport/Highways**

Paragraphs 29-41 of the NPPF address the promotion of sustainable transport. Paragraph 30 states that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestions. Paragraph 32 requires that planning decisions take account of whether:

Opportunities for sustainable transport modes have been taken;  
Safe and suitable access to the site can be achieved for all people; and  
Improvements can be undertaken within the transport network.

Policy T1 of the Replacement Local Plan (Certain Policies Saved 2008) identifies that contributions will be sought from significant developments to meet additional transport costs that arise from the proposed development. These may include contributions towards:

Public transport provision or enhancement;  
Measures to assist pedestrians;  
Highway safety measures; and  
Measures to assist cyclists.

Policy 14 (Managing Travel Demand) adopts a similar line but includes a hierarchical approach to sustainable transport networks. The Policy sets out the following order:

- a) site specific and area wide travel demand management;
- b) early improvements to public transport, walking and cycling facilities;
- c) optimisation of existing highway network to prioritise public transport, walking and cycling; and
- d) Network management measures then highway capacity improvements.

RLP Policy T9 identifies that planning permission will not be granted for development which would prejudice the implementation of identified cycle routes unless an alternative route is provided. On or off site contributions for cycle routes or facilities will be sought from developments around the identified cycle routes. A cycle route runs along East-West along Road No. 3 and then North-South along Road No. 5.

The application includes a Transport Assessment and a Travel Plan. The assessment and modelling that has been carried out indicates that the extra traffic to be generated by the proposed development (application 2013/0497 and 0500) will be accommodated on the local road network, subject to improvements being made to junctions on the local road network.

The site will be accessed by a new road, formed from a signalled junction with Colwick Loop Road to the north. This will lead south and form a roundabout leading to the proposed store. The roundabout will in turn join the existing industrial estate road to the south, and have spurs accessing the development proposed under 2013/0497. This will be provided at the applicants expense.

In addition the proposals include a package of works aimed at ameliorating the traffic generated by the development, and implementing the Travel Plan. Specifically the applicants propose:

1. A footway on the southern side of the Colwick Loop Road from its junction with Road 1 to the new access road junction.
2. A pedestrian crossing across the Loop Road.
3. Coordinating with Nottingham City Council Public transport for diversion of bus routes into the site, including provision of two bus stops.
4. Alterations to the existing crossroads of Colwick Loop Road and industrial estate road 1, mainly in the form of an additional turning lane.
5. A Travel Plan and Travel Plan coordinator, to facilitate reduction in private car use by staff and customers.
6. A scheme to ban HGV traffic on Mile End Road and Vale Road.

I consider that the proposed development would meet the requirements of the NPPF paragraphs 29 to 41, Policy T1 of the RLP and Policy 14 of the ACS submission draft. I am also of the opinion that to ensure that there are no adverse impacts on the local highway network that conditions be attached to ensure that the suggested improvements are secured.

The Local Plan maximum parking standards for an A1 food retail use are 1 space per 14 sq.m. of gross floor area. This equates to a requirement of 832 car spaces. The food store car park would provide 798 car spaces. However the applicants forecast peak demand is 629 cars. As a result the level of parking proposed is considered to be acceptable.

The applicant is willing to finance the provision of bus stops on the access road, to provide for customers and staff. In addition it is intended to divert an existing bus route to use those new stops. The City Council public transport officer has requested a financial contribution to wider public transport services, but the agents have

indicated that this is not acceptable as these are not directly relevant to the proposals. I accept this and as a result no financial contribution to bus services is required.

The applicant has agreed to provide a financial contribution to enable the monitoring of the proposed Travel Plan. This would need to be secured through a sS.106 agreement.

The site is affected by a designated Recreational Cycle Route which will require retention through the site; this can be controlled by condition. The development includes the provision of cycle parking, under the projecting canopy roof at the front of the food store.

### **Risk Posed by the Total Lindsey Oil Refinery**

Adjacent to the site is the Total Lindsey Oil Refinery (TLOR), which represents a hazardous risk to persons using the food store. The level of risk is determined by the Health and Safety Executive (HSE), based on proximity, nature of the hazard and type/magnitude of development.

Policy ENV8 identifies that development in the vicinity of a site for the storage, use or transportation of a hazardous substance will not be permitted if it would expose the public or the natural environment to any unacceptable risk.

The TLOR comprises 9 large storage tanks of which 4 store petrol, up to 6.7million litres. These constitute a Major Industrial Hazard because of the risk of, and implications of, an explosion. The relevant legislation imposes Development Proximity Zones around such sites, and advises against certain types and scales of development within different parts of the DPZ. The food store would be sited within the Outer zone (where risk is calculated at 1 in 10,000,000), and which the Health and Safety Executive (HSE) do not advise against granting planning permission. The proposed access and car park would be sited in both the inner, middle and outer zones. The risk calculated depends mainly on the likely length of time that people might spend in that area, with for example, residential constituting a much higher risk than a road. This part of the scheme also attracts a response of Do Not Advise Against from the HSE response matrix.

The HSE consultee comments above will, in part, be superseded as the Hazardous Substance consents referred to are in the process of being revoked. This means that TLOR will be the only hazard, and that it is just the petrol storage specifically which represents a risk. However, the HSE does not advise against this application.

It is considered therefore that the development would not give rise to unacceptable risk to public health and safety based on present legislation and submitted details. Nonetheless if the application is to be approved there is a statutory requirement for the application to then be referred to the HSE for a 21 day period, due to the comments received from them in relation to the consents.

## **Land Contamination and Flood Risk**

Paragraph 121 of the NPPF refers to land contamination and requires that:

the site is suitable for its new use taking account of ground conditions and proposals for mitigation  
after remediation the land is not capable of being determined as contaminated land under Part IIa of the Environmental Protection Act 1990; and  
adequate site investigation, prepared by a competent person is presented.

Policy ENV3 of the Replacement Local Plan sets out that development will not be permitted on contaminated land unless practicable and effective measures to treat, contain or control the contamination are taken.

The site was a fuel depot and known to be contaminated. The Scientific Officer has advised that further assessments are required and these can be controlled by a suitably worded condition being attached to any consent requiring further assessment work to be carried out and for the site to be remediated to a standard appropriate for its end use. The Environment Agency has also requested that such a condition be attached to any permission granted.

The site is within Flood Zone 3, and the River Trent lies to the south. Flood risk is addressed by paragraphs 99-104 of the NPPF. Paragraph 103 sets out that, when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere and that permission is only granted if, following application of the Sequential and Exceptions Tests, it is demonstrated that:

Within the site, the most vulnerable development is located in the area of lowest flood risk unless there are overriding reasons; and  
Development is appropriately flood resilient and resistant and priority is given to the use of sustainable drainage systems.

Policy 1 of the ACS follows a similar approach to this requiring the precautionary principle to be adopted.

The Environment Agency has reviewed the information submitted as part of the application. They have raised concern that even with the Flood Protection measures carried out as part of the Left Bank scheme in 2012, there is still a residual risk that these defences could be breached. The EA requested that the Council's Emergency Planner be consulted in relation to this application. The Emergency Planner has requested in line with the EA comments that a condition be imposed requiring details of an evacuation plan to be submitted should flooding occur, the food store and employment development will need to have floor levels 600mm above the existing ground levels. This can be controlled by conditions.

The EA have raised no other objections to the proposed development. They have suggested a number of conditions relating to a surface water drainage scheme and requiring details of any piling required as part of any foundation design for the scheme.

It should be noted that due to the physical conditions on the site it is not possible to make use of a sustainable urban drainage scheme. However other measures (such as rain water harvesting) can be implemented to limit runoff rate to a 20% betterment for the retail element and 10% in relation to the other elements from the existing drainage conditions, as required by the EA.

I am satisfied that there is no sequentially preferable site for the proposed development. I am satisfied that the proposed development would be safe and would not increase the risk of flooding elsewhere, and I also consider that the reduction in the amount of surface water drainage at the site would assist in reducing the risk of flooding overall.

### **Design and appearance**

Paragraph 56 of the NPPF identifies that great importance is attached to the design of the built environment and good design is a key aspect of sustainable development. The NPPF goes on to say in paragraph 63 that great weight should be given to outstanding or innovative designs which help raise standards in the area while paragraph 64 identifies that poorly designed development or development that fails to take the opportunity to improve the character and quality of the area should be refused planning permission.

This requirement for a high standard of design is also present in Policy ENV1 and Policy S11 of the Replacement Local Plan. ENV1 sets out that development should be of a high quality and not adversely affect the area by reason of its scale, bulk, form, layout or materials. S11 requires that proposals are of an acceptable scale and there is no unacceptable harm as a result of the materials and design. Significant weight should be given to S11 as it is up to date and consistent with the NPPF.

ACS Policy 10 provides detailed information about the requirements for new development in terms of design and how these will be assessed. It requires that all new development should be designed to:

- a) make a positive contribution to the public realm and sense of place;
- b) create an attractive, safe, inclusive and healthy environment;
- c) reinforce local characteristics;
- d) be adaptable to meet changing needs of occupiers and the effects of climate change; and
- e) reflect the need to reduce the dominance of motor vehicles.

The store would have a shallow pitched roof and large areas of glazing, plus metal clad sides. The surrounding industrial estate is characterised by modern metal buildings and the site's setting is not affected by heritage interest. The design is considered appropriate given the site's context. There are minor matters requiring resolution such as the design of bollards and trolley shelters, but these can be dealt with by a condition on a planning permission and do not affect the wider area. Elsewhere landscaping will be a key consideration to improve the appearance of some elements of the scheme especially in views on approaching the site.

In terms of landscaping the Council's Urban Design officer raises concerns about the extent and nature of planting proposed. In response the applicant, points out that the landscaping is concentrated around the petrol station and recycling area to ameliorate views on entrance to the site, and the species reflect biodiversity mitigation requirements. In addition I consider that low level planting would prove visually meaningless within a car park, and that isolated trees within the car parking rows tend to suffer damage from cars and poor growth.

### **The impact of the proposed development on local amenity**

Policy E3 of the replacement local plan requires consideration to be given to the impact of the development on local amenity. Policy ENV1 of the replacement local plan also requires consideration of the impact of any increased activity on adjoining properties. Policy ENV9 resists development which would give rise to unacceptable noise disturbance to residential amenity

The location next to the Colwick Loop Road and the proposed new access road would ensure that these uses would have no adverse impact on any surrounding properties. In addition the closest neighbouring properties are commercial and industrial uses. Noise at the site is dominated by traffic noise. The assessment carried out by the applicant indicates a negligible increase in noise generation and little likelihood of a detrimental effect on residential amenity, with the nearest dwelling 185m distant.

The plans however include installation of external plant on the roof of part of the food store and a condition restricting noise generation from is reasonable. The screening proposed and location of the delivery yard should ensure that little additional noise impact will result.

Some of the highway/traffic proposals will improve the amenity of neighbours, specifically the proposals to ban HGV movements from Mile End Road

I therefore consider that the proposed development would be acceptable in relation to Policy ENV1, ENV9 and Policy E3 of the replacement Local Plan.

### **The impact of the development on nature conservation and the need to enhance biodiversity**

Paragraph 118 of the NPPF requires consideration to be given to enhancing biodiversity. Given the previous use of the site, the site's current value in biodiversity terms is limited. The ecological appraisal that has been carried out indicates that the site does not contain rare or unusual areas of vegetation and no protected wildlife species were found on the site.

However in order to offset the loss of 5 locally important identified invertebrate species mitigation is considered sufficient, in the form of suitable plant species. In addition planting on boundaries for foraging and wild bird nesting is also appropriate.

The Nottinghamshire Wildlife Trust have raised no objections to the proposed development and that the proposed mix of planting has been altered following suggestions made by the Trust. I therefore consider that the proposed development satisfies the requirements of the NPPF in relation to biodiversity, subject to suitably worded conditions.

### **Air Quality**

Paragraph 124 of the NPPF requires developments to sustain compliance with EU values for pollutants.

Policy ENV11 of the replacement local plan resists development which would cause unacceptable nuisance to residents by reason of smoke, fumes, gases, dust, etc.

ENV9 of the replacement local plan also requires consideration of the impact of any increased activity on adjoining properties.

Air quality issues revolve around dust generation (Particulate matter PM10), Sulphur Dioxide (SO<sub>2</sub>), Nitrogen Dioxide (NO<sub>x</sub>) and Lead. Existing air quality monitoring in the surrounding area reveal compliance with EU air quality standards, except for one instance where NO<sub>x</sub> values peaked. Generally therefore the air quality standard at the site is acceptable and no adverse impacts are envisaged as a result of the development. The applicant has agreed to finance additional air quality monitoring.

Without mitigation the effects of the proposals have been modelled as moderately adverse in respect of dust. The applicants have suggested ways of mitigating dust emitting activities during construction using site layout and site management tools. This can be controlled by conditions and other legislation.

## **Renewable/Alternative energy**

Paragraph 17 of the NPPF requires developments to support the transition to a low carbon future including by encouraging the use of renewable energy.

The food store plans include a ground source and air source heat pump, to generate renewable energy for some the store's needs. A large number of rooflights are included to provide daylighting to the store, although this would make the food store building unsuitable for sedum planting to create a "green roof".

Electric car charging points for customers are included, as well as under cover cycle parking. It is anticipated that battery charging can be provided for vehicles dispatching on line shopping, together with gas fuel at the petrol filling station.

Within the store car park a recycling station is proposed, with containers for various forms of waste for recycling and re-use.

## **Other issues raised by consultees**

### **Network Rail**

As the site will be fenced off from the railway line and as it is lower than the railway no additional barriers are required around the service yard. In respect of the existing footpath level crossing near the site, the agents do not believe that this is likely to be used by customers and therefore the concerns should be set aside.

### **Environment Agency**

The site may not be suitable for below ground fuel tanks, and as a result above ground tanks may be required. However there appears to be space available to site these without a material impact on the overall scheme, and it is likely that suitable screening can be implemented. This can be adequately controlled by conditions.

## **Developer contributions/Infrastructure**

Policies 18 and 19 of the Aligned Core Strategy set out the approach to infrastructure and developer contributions. It is not considered that objections to these policies are significant and therefore significant weight should be given to these policies. Together they require that new development be supported by the required infrastructure at the appropriate stage and that new development

meets the reasonable costs of new infrastructure required as a consequence of the proposal;  
where appropriate contribute to delivery of necessary cumulative infrastructure; and  
Provide for the maintenance of facilities provided.



For these reasons the request for funding of 2 bus services by the City Council has been set aside as the routes involved are not affected by the development of this site.

The S.106 relevant to the food store proposals will be needed to secure the following:

Air quality monitoring - £1329.52 single payment.  
Monitoring of Travel Plan.

## **Conclusion**

Whilst small parts of the site have been used for temporary uses such as storage, the majority of the site has not been in active use for a number of years. The site is prominent being on a major route through the Borough into Nottingham City Centre and due to its former use is understood to be contaminated. Although I am mindful of the employment status of the site, it is considered that weight should be given to the benefits of bringing a major brownfield site back into active use and to the benefits of remediating a contaminated site.

The NPPF requires that "*significant weight should be placed on the need to support economic growth through the planning system*". It is understood that the retail element of the proposal will deliver in the region of about 1000 jobs (a mix of full and part time). The applicant has proposed to enter into a 'Local Labour Agreement' to ensure that where possible the created jobs go to local residents. Overall significant weight should be given to the jobs and economic benefit from the proposal.

In terms of employment land, it is considered that the applicant has demonstrated that there has been extensive marketing of the site in accordance with Policy E3. The proposal for up to 9,894 square metres of employment land accords with Policy E3. While the loss of the part of the existing employment site for non employment uses together with other losses and the potential loss at Teal Close, will put us close to the target identified in the Aligned Core Strategy there will still be sufficient employment land remaining. As such there are no planning objections to the loss of employment land, but it should be noted that additional sites will need to be sought through the Local Planning Document.

In terms of the proposed retail uses it is considered that there is no suitable, available or achievable location in or on the edge of a centre for the supermarket, public house or restaurant. As such compliance with the sequential assessment has been demonstrated. It is also considered that there is unlikely to be significant adverse impacts on the vitality and viability of nearby centres. There are no objections to the proposal as a result of retail policy.

The recommendation is to grant planning permission subject to a S106 agreement to secure £1329.52 payment for Air quality monitoring and implementation of Travel Plan, and the conditions listed at the end of this report.

However no consent can be issued until after a 21 day period in which the application must be referred to both the HSE and Secretary of State for Communities and Local Government, for the reasons described below.

Paragraph A5 of the DETR Circular 04/2000 states that:

“ .. Where a local planning ...authority is minded to grant planning permissions... against HSE’s advice, it should give HSE advance notice of that intention allow 21days from that notice for HSE to give further consideration to the matter. During that period HSE will consider whether or not to request that the Secretary of States...to call-in the application for his own determination.”

In addition prior to issue of any consent the application needs to be referred to the Secretary of State (via the National Planning Casework Service) under The Town and Country Planning (Consultation) (England) Direction 2009, as the development would be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and is not in accordance with one or more provisions of the development plan and consists of the provision of a building with floor space of over 5,000 square metres or more.

Either referral procedure may prevent or delay the issuing of this planning permission.

**Recommendation: GRANT PLANNING PERMISSISON subject to the applicant entering into a Section 106 Agreement for the provision of contributions towards air quality monitoring with Gedling Borough Council and towards travel plan monitoring with the County Council as Highway Authority and subject to the following conditions:-**

### **Conditions**

- 1 Application for approval of reserved matters relating to the employment element (namely layout, appearance, scale and landscaping) shall be made not later than three years beginning with the date of this permission and the development shall be begun not later than two years from the final approval of the reserved matters or, in the case of approval of the reserved matters on different dates, the final approval of the last such matter to be approved.
- 2 The development hereby approved for full planning permission relating to the construction of the retail element, an A1 retail unit with ancillary restaurant

and concession units, service yard, car parking, landscaping and highway works must be begun not later than three years beginning with the date of this permission.

- 3 This development hereby granted full planning permission shall be completed in accordance with drawing nos.A-PL-01 Rev B, A-PL-03 Rev A, A-PL-11 Rev D, A-PL-12 Rev A, A-PL-13 Rev A, A-PL-14 Rev A, A-PL-15 Rev A, A-PL-16 Rev A, A-PL-17 Rev A, A-PL-20 Rev A, A-PL-21 Rev A, and the landscaping details and notes detailed on drawing nos.GC.81800.001 Rev A, GC.81800.301 Rev A, GC.81800.302 Rev A, except where further details are required for approval by other conditions of this planning permission.
- 4 Prior to the commencement of development of the retail elements(excluding any site clearance and remediation works as required by condition 8) a sample panel of materials to be used in the external elevations of the food store building, kiosk and carwash, shall be submitted to and approved in writing by the Borough Council. Once approved the development shall be completed in accordance with the approved materials.
- 5 The retail and employment elements shall be carried out in accordance with the measures set out under the Air Quality Mitigation Strategy dated 22nd July 2013. A verification report to demonstrate compliance with the Air Quality Mitigation Strategy shall be submitted to and approved in writing by the Borough Council before the respective elements are first brought into use.
- 6 The development hereby granted full planning permission shall be completed in accordance with the tree constraints and protection plans and notes drawing nos.GC.81800.201 and GC.81800.202.
- 7 There shall be no vegetation clearance and demolition works during the main bird nesting period (March - August), unless otherwise prior agreed in writing with the Local Planning Authority.
- 8 Prior to the commencement of development of the retail or employment element (excluding site clearance), an investigation and contamination risk assessment report relating to the respective element detailing those areas

and / or contaminants not covered within the Ground Conditions Chapter of the submitted Environmental Statement shall be provided to the Local Planning Authority. If the information submitted with the application or within this additional report indicates that remediation is necessary, details of a remediation scheme for the respective element shall be submitted to and approved in writing by the local planning authority. The remediation scheme shall include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme for the respective element shall be given to the Local Planning Authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the respective element. If during the course of development contamination not previously identified is found to be present at the site, no further development other than that agreed in writing with the local planning authority shall be carried out until an amendment to the remediation scheme giving details on how to deal with this contamination has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.

- 9 Prior to the occupation of the retail or employment elements details of bat and bird boxes to be incorporated within the approved relevant element shall be submitted to and approved in writing by the Borough Council. Once approved the bat and bird boxes shall be installed in accordance with the approved details prior to the relevant element being brought into use.
- 10 Prior to the commencement of development of the retail or employment elements(excluding any site clearance and remediation works as required by condition 8) drainage plans for the disposal of surface water and foul sewage relating to the respective element shall be submitted to and approved in writing by the Borough Council. The drainage scheme shall be implemented in accordance with the approved details before the respective element is first brought into use.
- 11 The retail elements hereby approved shall not be brought into use until full details of the Local Employment Partnership, as outlined in Appendix 11 of the Planning and Retail Report submitted as part of this application, has been

submitted to and approved in writing by the Local Planning Authority and evidence has been provided to demonstrate that the partnership has been established. In addition the details to be submitted shall also set out how the partnership shall be sustained throughout the life time of the development. The development shall thereafter operate in accordance with the approved Local Labour Agreement.

- 12 Prior to the occupation of the retail element details of the retail unit car park barrier, including a management plan for the car park barrier, shall be submitted to and approved in writing by the Borough Council. The management plan shall include details of the times and respective days that the gates will be opened and closed as well as details of who will be responsible for ensuring the gates are opened and closed at these times. Once approved the proposed car park barrier shall be installed prior to the retail unit first being brought into use and operated in accordance with these details at all times unless otherwise agreed in writing by the Borough Council.
- 13 Prior to the commencement of development of the retail and employment elements (excluding any site clearance and remediation works as required by condition 8), a Construction Management Plan for the respective element shall be submitted to and approved in writing by the Borough Council. The Construction Management Plan shall demonstrate that the works can be carried out without affecting or causing any obstruction to Carlton Footpaths 22 and 23. The respective element shall be completed in accordance with the approved relevant Construction Management Plan.
- 14 The development shall not be occupied until the following works have been provided in accordance with details that have been first agreed with the Local Highway Authority: a) A new signalised junction has been provided on to the Colwick Loop Road. b) Highway improvements have been provided at Colwick Loop Road / Road No1 junction. c) Highway improvements have been provided at A612 / Burton Road / Shearing Hill junctions to the satisfaction of the Local Planning Authority.
- 15 The retail and employment elements shall not be brought into use until the access roads parking, turning and servicing areas relating to the respective element are surfaced in a hard bound material and delineated on site, to the satisfaction of the Local Planning Authority. The surfaced areas and any

parking or turning areas shall then be maintained in such hard bound material for the life of the development.

- 16 The retail and employment elements shall not be brought into use until a scheme relating to the respective elements to regulate the discharge of surface water from the access roads, parking, turning and servicing areas to the public highway is submitted and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the respective element being brought into use.
- 17 The food store element hereby permitted shall not be brought into use until the cycle parking layout as indicated on drawing A-PL-04 / C has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 18 The retail elements shall not be occupied until the off-site traffic management works comprising of a weight restriction on Mile End Road have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 19 Details of measures to prevent the deposit of debris upon the adjacent public highway as a result of the construction of any part of the retail or employment elements shall be submitted to and approved in writing by the LPA prior to commencing work on the respective element. The approved measures shall be implemented in accordance with the agreed measures, and retained in situ until construction of the respective elements is available for use.
- 20 The retail or employment elements shall not be occupied until a Full Travel Plan for the respective element has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority

- 21 The retail and employment elements shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures: a) As a minimum, proposed floor levels will be set with a freeboard of 600mm above existing ground levels. b) Other than in those areas where levelled or graded access is required to or from a building or to provide vehicular access into and between the respective elements, external finished ground levels will be no less than 300mm below the proposed floor level of the nearest building. c) Where local flooding occurs surface water runoff is to be routed away from the buildings along the footways and roadways to the drainage system. The mitigation measures for each respective element shall be fully implemented prior to occupation of the respective element.
- 22 Prior to the commencement of development of the retail or employment elements (excluding any site clearance and remediation works as required by condition 8), a scheme to provide an evacuation plan for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with their emergency planner. The approved scheme for the respective element shall be fully implemented and subsequently maintained.
- 23 Prior to the commencement of development of the retail and employment elements (excluding any site clearance and remediation works as required by condition 8) a scheme to provide flood resilience design for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The scheme for each element shall be fully implemented and subsequently maintained.
- 24 Prior to the commencement of development of the retail or employment elements (excluding any site clearance and remediation works as required by condition 8), a surface water drainage scheme for the respective element, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The respective scheme should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The respective scheme shall subsequently be implemented in accordance with the approved details before the respective element is brought into use. The scheme shall include: a) The utilisation of sustainable drainage techniques, including rainwater harvesting for the supermarket and

permeable paving within the retail element; b) Limitation of the runoff rate to a 20% betterment from the existing drainage conditions for the retail element (limiting discharge to 4.7l/s/ha (QBAR)); and a 10% betterment for the employment element (limiting discharge to 5.3l/s/ha (QBAR)); as detailed in a letter dated 16th September 2013 from Morgan Tucker. c) Water quality management incorporated within the design, with two forms of treatment prior to discharge from the site; d) Demonstration through hydraulic calculations that appropriate attenuation is to be provided to limit the rate of runoff from the site; e) Confirmation of responsibility and management of the drainage features on construction of the scheme.

- 25 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
- 26 Prior to the commencement of development of the petrol filling station (excluding any site clearance and remediation works as required by condition 8) a scheme to install petrol storage tanks shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring/ leak detection system, along with: a) Proposed method of petrol storage; b) Justification for this method of storage; c) Groundwater levels for this specific part of the site; d) Site specific risk assessment outlining the volume, type of pollutants being stored and the hydrogeological situation. Where potential risks have been identified, the Local Planning Authority will require mitigation measures to be implemented to ensure that there is no release of hazardous substances into the Secondary Aquifer.
- 27 The schemes approved under conditions 21, 22, 23, 24 and 25 shall be fully implemented and subsequently maintained in that form.
- 28 Notwithstanding condition 3 above, prior to the commencement of development of the retail elements (excluding any site clearance and remediation works as required by condition 8), details of the following matters shall be submitted to and approved in writing by the Local Planning Authority. Once approved the matters shall be maintained in accordance with these details at all times unless otherwise agreed in writing by the Local Planning



Authority.a) Electric charging points for customer vehicles.b) Sprinkler tanks, including their colour and appearance.c) The design, height and colour of the service yard enclosure and its gates.d) The appearance of the car wash (including materials and lighting).e) The appearance of the covered walkway across the walkway (including materials and lighting).f) The materials and design of trolley storage areas, both within the car park and adjacent to the food store.g) The details of the height, materials and design of the bollards/barriers around the food store building.h) Plans for providing shelter to motorcycle parking.g) The size, location and appearance of the proposed new bus stops on the site.h) Boundary treatment of the perimeter of the site, and around the recycling area.i) The appearance of the plant to be sited on the roof, and if required any screening or acoustic enclosure.

- 29 Prior to the commencement of development of the employment elements (excluding any site clearance and remediation works as required by condition 8) a viability assessment for additional renewable energy installations shall be submitted to the Local Planning Authority. If these prove viable, including those producing power only for the site's use, full details of the proposed installations shall be submitted for the approval of the Local Planning Authority and installed until technologically obsolete.
- 30 Prior to occupation of the food store, petrol station or car wash, a scheme detailing all external lighting, including details of the height of any lighting columns, the design of lamp assembly, the spread of light beyond the site boundaries and the hours of illumination, shall be submitted for the approval of the Local Planning Authority, and the approved details to be implemented and maintained in that form.
- 31 The floor area of the employment development shall not exceed 9895 sq. m. gross internal floor area, unless otherwise agreed by the Local Planning Authority.
- 32 No part of the retail and employment elements shall be brought into use until the hazardous substances consents for Esso Petroleum Company Ltd and Chevron Ltd have been revoked.

## Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 For the avoidance of doubt.
- 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 In order to assist in the protection of air quality.
- 6 In the interests of good arboricultural practice.
- 7 In order to protect and enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).
- 8 In order to assist in the protection of air quality.
- 9 In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).
- 10 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.

- 11 To ensure that the development meets some of the requirements for sustainable development.
- 12 In the interests of crime prevention.
- 13 In order to ensure Carlton Footpaths 22 and 23 are kept available for use both during and after the construction period and the users of the footpaths are not impeded or endangered in any way.
- 14 To ensure that the traffic accessing the development does not give rise to highway danger, traffic problems and loss of residential amenity.
- 15 To ensure that an adequate level of off street parking is provided for the needs of the development.
- 16 To regulate the discharge of surface water from the site onto to the public highway to prevent traffic and highway problems
- 17 To ensure the provision of cycle parking in order to support use by non car borne customers and staff.
- 18 To prevent heavy goods vehicles travelling along residential roads to access the site, in the interests of residential amenity.
- 19 To prevent the deposit of debris on the highways around the site, in the interest of highway safety.
- 20 To enable, encourage and facilitate visitors to the site to use non-car means of transport
- 21 To reduce the risk of flooding to the proposed development.

- 22 To enable a safe means of egress from the site during an extreme flood event.
- 23 To reduce the impact of flooding on the development.
- 24 To prevent the increased risk of flooding, both on and off site and to manage surface water in a sustainable manner.
- 25 To ensure that there is no mobilisation/ migration of contamination into the underlying aquifer.
- 26 To ensure that there is no mobilisation/ migration of contamination into the underlying aquifer.
- 27 To ensure the development is implemented in a manner which does not increase the risk of flooding, both on and off site, to manage surface water in a sustainable manner and prevent contamination.
- 28 These detailed matters were not included on the submitted plans and require the approval of the Local Planning Authority in the interests of visual amenity.
- 29 To assist in satisfying energy demand from renewable energy sources.
- 30 To ensure that external illumination does not affect highway safety or residential amenity.
- 31 To define the consent

32 To ensure that there is no risk posed by these relevant hazardous substances consent.

### **Reasons for Decision**

The proposed development accords with the relevant policies of the Local Plan and the National Planning Policy Framework.

### **Notes to Applicant**

Your attention is drawn to the attached comments of the Rights of Way Officer.

You are advised that further consents may be required for advertisements and signage, and you should contact the Borough Council prior to carrying out any such works.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the County Highway Authority for details.

The proposed off-site highway works referred to in condition 5 requires a Traffic Regulation Order before the development commences to provide off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the County Highway Authority for details.

Washdown from the car wash should be discharged to foul sewer. This washdown should not be discharged via an oil separator as detergents in the washdown will render the separator ineffective. Car wash liquid waste is classed as trade effluent. Before discharging to a sewer you must always get a trade effluent consent or enter into a trade effluent agreement with your water and sewerage company or authority.

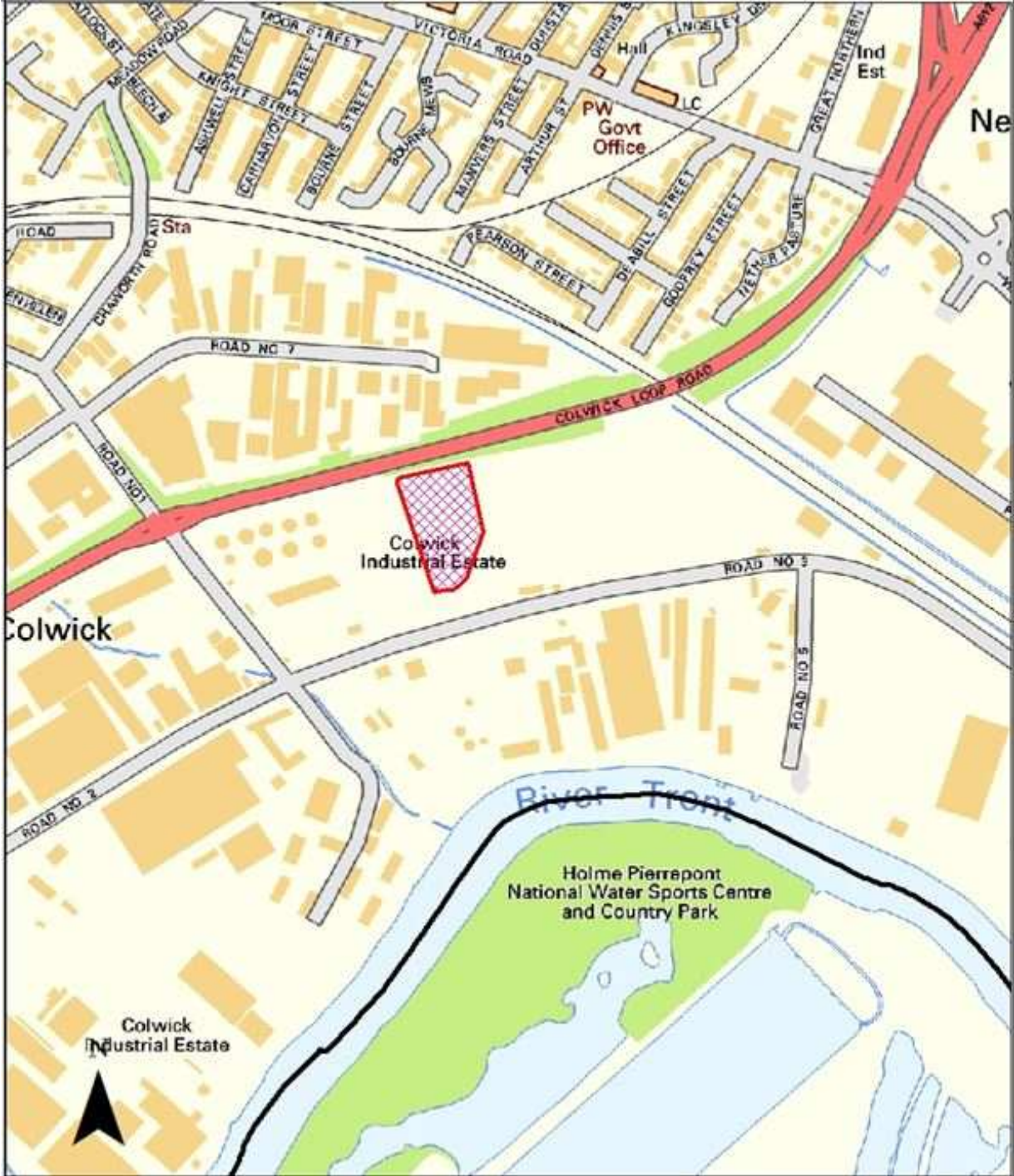
If you are not able to discharge effluent to the foul sewer it will be classed as waste and you must then comply with your duty of care responsibilities. More information regarding the discharge of trade effluent can be found at [www.netregs.gov.uk](http://www.netregs.gov.uk)  
<http://publications.environment-agency.gov.uk/pdf/PMHO0307BMDX-e-e.pdf>

The hazardous substances consents for Esso Petroleum Company Ltd and Chevron Ltd are in the process of being revoked, however condition 32 has been attached to this permission on the advice of HSE.

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.



**Application Number:** 2013/0497  
**Location:** Land South Of Colwick Loop Road Colwick Nottinghamshire NG4 2JN



**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:** 2013/0497

**Location:** Land South Of Colwick Loop Road Colwick  
Nottinghamshire NG4 2JN

**Proposal:** Construction of A4 public house with restaurant facilities & associated managerial residential accommodation at first floor (full application) & A3 restaurant or A5 hot food takeaway (outline application)

**Applicant:** Sainsbury's Supermarkets & City Estates

**Agent:** Miss Hannah Smith

### **Background**

The application is inextricably linked to Planning Application no.2013//0500 for a Sainsbury's retail unit and buildings for employment uses falling under B1/B2 and B8 use classes as both applications share an access on to Colwick Loop Road. The application also raises complex planning issues, in particular in relation to the impact on highways and because the site is located within the Development Proximity Zone (DPZ) of Total Lindsey Oil Refinery Terminal. For these reasons this application, although within the delegation to the Corporate Director, is being referred to the Planning Committee for decision.

### **Site Description**

The application site relates to former petroleum storage sites on land south of Colwick Loop Road, Colwick. Colwick Loop Road bisects the site and the industrial estate to the south from additional industrial properties to the north, and the residential area of Netherfield beyond.

The application site is brown field land and occupies a piece of land that has a boundary with Colwick Loop Road. It is approximately 70m to the east of the boundary to the Total Lindsey Oil Refinery terminal. The site was formerly part of the Chevron Fuel Terminal. Remediated crushed material currently covers the site. The site is surrounded by a metal chain link fence. To the south of the site is Road No. 3 and other industrial units, these industrial units border the River Trent.

### **Proposed Development**

The application is a hybrid application requesting full planning permission for a Marston's restaurant/pub and outline planning permission for a drive through



restaurant. The only matter sought in relation to the drive through restaurant is access. Access to the public house and drive through restaurant would be provided by the same access proposed to the Sainsbury's Superstore which forms part of planning application 2013/0500.

The Marston's restaurant/pub would have a Gross External Floor Area of 776 square metres. It would provide 180 covers internally and 40 covers externally. The foot print of the public house would be 630 square metres with a first floor managers and staff accommodation of approximately 152 square metres. 59 car parking spaces would be provided; two of these spaces would be dedicated disabled spaces. It is also proposed to provide cycle parking facilities.

During the assessment of the application changes were made to the vehicle servicing area to overcome concerns raised by the Environmental Health Officer in relation to potential conflict between service vehicles and customers of the public house.

The space immediately around the public house would be landscaped, and would comprise of a terraced seating area and also a children's play area. Another landscaped area would be provided to the eastern edge of the site to provide a buffer to the proposed Sainsbury's store and the drive through restaurant.

The public house would be traditional in design, and would have a mix of external finishes comprising of brick, render and wood cladding. The duo-pitched roofs would be covered using slate coloured tiles.

It is proposed to construct an A3 restaurant or A5 takeaway unit which would have a minimum Gross External Floor Area of 192 square metres and a maximum Gross External Floor Area of 452 square metres. Details of the A4/A5 unit layout, scale, appearance and landscaping would need to be submitted as reserved matters.

The application has been accompanied by an Environmental Statement, which looks at hydrology, ground conditions, traffic and transport and the cumulative and interactive effects of the proposed development. The application has also been accompanied by an air quality assessment, statement of community involvement, design and access statement, drainage statement, flood risk assessment, Travel Plan statements, noise assessment, transport assessment and renewable energy and energy efficiency statement. An off- site risk Assessment has also been submitted which looks at the risk posed by the presence of the adjacent Total Lindsey Oil Refinery.

### **Consultations**

Colwick Parish Council – Concerns over traffic volume and infrastructure of the roads in terms of the build-up down Mile End Road and past Rambler's Close.

Nottingham City Council – Object to the proposed development and query the location of these uses outside of identified town centres.

Rushcliffe Borough Council – No comments received.

Notts County Council (Ecology) – No comments received.

Notts County Council (Highways) – The principle of development is acceptable. Revised plans will be required to provide an aisle width of 6m between the proposed car parking spaces of the public house, however this could be conditioned. Highways have also requested that conditions be attached in relation to (1) the parking, turning and servicing areas being provided in accordance with the approved plans, (2) highway improvements being provided for a new signalised junction at Colwick Loop Road, the Colwick Loop Road/Road No1 Junction and A612/Burton Road/Shearing Hill junctions, (3) to the provision of cycle parking, (4) the submission of a Travel Plan together with details for monitoring and (5) details of measures to prevent debris being carried onto the public highway during construction.

Notts County Council (Rights of Way) – The application may impact on Carlton Public Foot Paths no.23 (Road No 1) & No 22 (Road No 3), which run alongside the west and south boundary of the site.

Whilst not an objection, the Rights of Way Office would require that the availability of Carlton Foot Paths No 22 & 23 are not affected or obstructed in any way by the proposed development at this location, that they be consulted in respect of any re-surfacing issues and that developers be aware of potential path users in the area who should not be impeded or endangered in any way.

Notts County Council (Arboriculture) – No objections, there are no trees of any significance on the site and any loss of trees could be mitigated through appropriate landscaping.

Environment Agency – The site is located within Flood Zone 3, defined in the NPPF as a high flood risk area. The primary risk of flooding is from the River Trent. Whilst the EA completed major flood defence scheme in 2012 to a 1 in 100 year standard of protection there remains a residual risk that the defences could be breached. In the event of a breach it is unlikely that there would be a safe means of access and egress for the new development. The EA advises that the Emergency Planner at Gedling Borough Council be consulted in relation to this application. If it is deemed that the site can be adequately managed during an extreme flood event and an appropriate flood evacuation plan is adoptable and conditions are attached relating to floor levels, a surface water scheme and to deal appropriately with contaminated land, then the development is considered to be acceptable.

Gedling Borough Council Emergency Planner – No objection, providing that a condition is attached requiring the submission of an evacuation plan should a flood event occur.

Severn Trent Water – No objections subject to the inclusion of a condition requiring drainage plans for the disposal of surface water and foul sewage to be submitted and approved.

Nottinghamshire Wildlife Trust – Do not object to the applications but did raise

concerns about the species proposed within the planting scheme.

Police Architectural Liaison Officer – With regards to the A4 Drinking establishment, the Police liquor licensing officers have been liaising with the developer for some time and are fully aware of the plans. The Police have no concerns regarding this application.

Natural England – Raised no objections to the proposed scheme.

Network Rail – No objections were raised to the proposed development, conditions have been suggested in relation to the nature of construction, the need for boundary fencing and also with regard to assessing whether there would be increased activity over the railway line.

Department for Transport – No comments received

Office of Rail Regulation – No comments received

Ramblers Association – No comments received

Health and Safety Executive – The HSE's assessment of the proposals indicates that the risk of harm to people at the proposed development is such that HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case. The development will involve an occupied building being sited within the Development Proximity Zone (DPZ) of Total Lindsey Oil Refinery Ltd, a large-scale petrol storage site. The HSE circular 'Land use planning advice around large-scale petrol storage sites' explains that the only developments within the DPZ which HSE would not advise against are those which meet the criteria for 'not normally occupied', as set out in paragraph 10 of that circular.

In addition, HSE would advise against the proposed development as it involves an indoor use by the public development with a total floorspace of more than 250m<sup>2</sup>, which lies within the inner zone of Chevron Ltd.

It is understood that this application, and an associated application (2013/0497) are part of a proposal to redevelop all three of the major hazard sites referred to above. The Design & Access Statement indicates that the buildings and plant on the sites formerly occupied by Chevron Ltd and Esso Petroleum Company Ltd have been demolished. However, until all of the hazardous substances consents associated with each of these sites have been revoked, HSE's consultation distances will remain in place and HSE will continue to provide land use planning advice on proposed developments within them.

If the Borough Council, as the hazardous substances authority, advises HSE that the hazardous substances consents for any of these sites have been revoked, then the consultation distance around the site will be removed and the Borough Council will no longer need to consult HSE on developments in its vicinity.

However, HSE is prepared to consider reviewing its advice in the case of Planning

Application 2013/0497 if a suitably worded condition were to be included in the planning permission which would prevent the occupation of the development until the relevant hazardous substances consents for the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been revoked.

Total Lindsey Oil Refinery Ltd – Total Lindsey Oil Refinery Ltd (TLOR), are the owner and occupier of the petroleum storage and distribution terminal which is adjacent to the above proposed development. The proposal is part of a larger scheme including an application for the construction of A1 retail unit with ancillary restaurant & concession units, service yard, car parking, landscaping & highways works (full application) & B1/ B2 / B8 employment uses (outline application) being dealt with under application number 2013/0500. TLOR have made separate representations in respect of that application however; they consider that the applications and their representations should be dealt with together.

TLOR object to the application as they believe that there errors within the ARUP report which results in an inaccurate assessment of the risks associated with siting the proposed development adjacent to the TLOR facility.

Canal and River Trust – No comments received.

Planning Policy – No objections

Scientific Officer – No objections subject to a condition being attached in relation to dealing with the contamination present on site. It is requested that electric charging points being installed within the car parking areas of the proposed public house and drive through restaurant.

Waste Services – No objections.

Urban Design Consultant (UDC) – With regards to the A4 Public House (PH), the UDC considers the amount of landscaping space could be greatly increased if the parking serving the PH was provided to both sides of the access road. This would reduce the length of the roadway and increase open green areas. The alteration to the parking would also have benefits for the customers as some customers would be able to get out the car and onto the footpath rather than having to cross the road.

With regards to the appearance of the Public House, the UDC considers it might be a good opportunity to create a more contemporary design rather than the standard Marston's design proposed.

Following the receipt of a preliminary drawing showing an alternative layout for the proposed Public House and alternative elevations, the UDC advised the layout was better as less of the site was taken up by the proposed access and parking was provided either side of the access. The UDC however did not consider the alternative scheme put forward was an improvement on the original design, and therefore the design of the public house has not changed from that originally submitted.

Economic Development Officer – There is a genuine desire on the part of the developer and Sainsbury's to develop local employment opportunities as part of this application. The specifics of this need to be included in the proposals. Jobs are a major priority of this council and with the site being so close to Netherfield (one of the council's priority areas), the aspiration is for any potential development to work with the council to maximise the potential job opportunities for this community.

#### Other Publicity and Neighbour Notification

The application has been advertised by site notice and in the local press as being accompanied by an Environmental Statement, as a departure from the development plan and as affecting a right of way.

As a result of this other publicity and the neighbour notification process I have received 6 written representations in support of the proposals.

#### Planning Considerations

The site is located within a protected employment area, within Flood Zone 3 and part of the site was formerly used as an oil storage terminal. It is an out of centre location and is for uses which should be sited within a town centre, and as such the proposal is not in accordance with the Replacement Local Plan or Aligned Core Strategy. It is understood that parts of the site has been vacant since about 2002 with other parts from 2007. Since then there have been a number of temporary uses on small parts of the site. An existing oil terminal will remain for the foreseeable future.

The following policies are relevant to the determination of this proposal:

#### National Planning Policy Framework

- Paragraphs 18-22 (Building a strong competitive economy)
- Paragraphs 23-27 (Ensuring the vitality of town centres)
- Paragraphs 29-41 (Promoting sustainable transport)
- Paragraphs 56-68 (Requiring good design)
- Paragraphs 93-108 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraphs 109-125 (Conserving and enhancing the natural environment)

#### Gedling Borough Replacement Local Plan (Certain Policies Saved 2008)

- ENV1 (Development Criteria)
- ENV3 (Development on Contaminated Land)
- ENV8 (Development affecting hazardous substance sites)
- S11 (Retail Development outside shopping centres)
- S12 (Retail development outside of district, local and town centres)
- E3 (Retention of employment)

T1 (New developments – developer contributions)  
T9 (Cycle Routes)  
T10 (Highway Design and Parking Guidelines)

It should also be noted that Gedling Borough Council at its meeting on 13<sup>th</sup> 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). It is considered that the following policies of the ACS Submission Document are relevant:

Policy A: Presumption in Favour of Sustainable Development  
Policy 1: Climate Change  
Policy 4: Employment Provision and Economic Development  
Policy 6: Role of Town and Local Centres  
Policy 7: Regeneration  
Policy 10: Design and Enhancing Local Identity  
Policy 14: Managing Travel Demand  
Policy 18: Infrastructure  
Policy 19: Developer Contributions

To inform the preparation of the Aligned Core Strategy a number of evidence based and background documents have been prepared regarding employment land and retail. Where necessary these will be referred to where appropriate within the main body of this report.

Taking into account the above planning policy context, it is my opinion that the main planning considerations in relation to the determination of this application are:-

Whether the proposed public house/restaurant and the restaurant/takeaway unit would be an appropriate use of this site;  
The risk posed by the presence of the adjacent TLOR terminal;  
Flood Risk and Land Contamination  
The impact on the highway network and transport safety;  
The appropriateness of the proposed design of the public house/restaurant;  
The impact of the proposed development on local amenity  
The impact of the development on nature conservation and the need to enhance biodiversity

I also consider that significant weight should be given to the reuse of a contaminated brown field site and also to the economic benefits that the proposal would generate.

### **Proposed Use of the Site**

The site is allocated for employment uses within the Gedling Borough Replacement Local Plan. Policy E3 is considered to be up to date and consistent with the National

Planning Policy Framework and is therefore relevant to the consideration of this application and needs to be given weight. Policy 4 of the Aligned Core Strategy is also relevant although because there are still unresolved objections to the policy, only limited weight should be given to it. Policy E3 and Policy 4 do need to be considered in the context of paragraphs 18-22 of the NPPF which relate to the need to build a strong competitive economy and the requirement of the planning system to support economic growth.

Policy E3 defines the extent of protected employment sites within the Borough of Gedling, at E3 (b) of the Policy it is stated that permission for alternative uses such as that proposed in relation to this application will not be granted unless:

- i) The retention of the site for its specified employment use has been fully explored by extensive marketing and advertising without success; and
- ii) The proposed use would cause no traffic, amenity or conservation problems.

In this section I will give consideration to the first criterion of Policy E3b as the second consideration will be discussed later in the report.

Appendix 10 of the Planning and Retail Report submitted in support of the application addresses the requirement for extensive marketing. Section 3 of Appendix 10 details the marketing exercise that has been undertaken for the site since 2002. The exercise has included the publication of sales particulars, on site signage and various mailings to property agents and business with registered enquiries of over 5,000sq foot. This exercise was carried out in two stages. In both stages of the marketing exercise the site was deemed to be less preferable than sites closer to the M1. Full details of the various enquiries and discussions can be found in Appendix 10. Overall it is considered that extensive marketing has taken place to accord with the requirements of Policy E3b of the Replacement Local Plan.

Another consideration is the impact that the loss of employment land at this site could have in relation to the supply of employment land within the Borough. The loss of employment land as result of this proposal and that of other current proposals will place the Borough close to the level of employment land required within the ACS (22,800 square metres of new office space and research floor space and 10ha of industrial and warehousing land). If this application is approved any further loss of employment land is likely to be resisted. To provide a buffer and flexibility other small scale opportunities will likely be identified through future development plan documents especially the Local Planning Document which is expected to commence public consultation in autumn 2013.

The proposed use of the site for A3 (restaurant and café), A4 (Drinking establishment) and A5 (takeaway) purposes are town centre uses. Paragraph 24 of the NPPF sets out that main town centre uses which are not in a town centre and not in accordance with an up to date development plan (as is the case with this proposal) should demonstrate compliance with the sequential test. The sequential test requires sites within or on the edge of centres to be considered before out of centre locations can be developed. The NPPF advises that Applicants should demonstrate flexibility on issues such as format and scale. With regards to this

application because the floor area is below 2,500 square metres there is not a requirement to carry out an Impact Assessment.

Policy S11 of the Replacement Local Plan adopts a similar approach to the NPPF, in requiring proposals to demonstrate compliance with the sequential test. Policy S11 requires evidence of need to be demonstrated, however an understanding of need is required as part of the sequential test together with an understanding of catchment areas.

Appendix 7 of the Planning and Retail report submitted by the applicant details the applicant's approach to the sequential assessment. The applicant has indicated that they are looking for sites of 0.46ha for the restaurant and also 0.36ha for the public house. The applicant has looked at a number of sites which have been discounted, due to the sites being unavailable or the use of the sites for restaurant or public house uses having the potential to adversely affect local amenity. Further consideration was given to the Windsor Castle Public House at Carlton Square, however this site was discounted because the site is too small to accommodate the proposed building and the required servicing area and external dining area. The applicants have also indicated that the level of passing trade at the Windsor Castle site would not be as great as at the application site. Whilst I disagree with some of the justification put forward by the applicant, I do accept that there is some merit in the co-location of the public house with the proposed supermarket, in terms of the support that would be provided to the local economy and also the regeneration benefits of seeing the application site redeveloped. I also consider that there is sufficient distance between the Windsor Public House site and the application site for there to be limited impact on this site in terms of trade.

In relation to NPPF paragraph 24 and Policy S11 of the Gedling Borough Replacement Local Plan, and weight being given to the need for the planning system to support the local economy, it is my opinion that there are no suitable or available sites elsewhere which would generate the same benefits as the application site.

As a result of the above considerations I am satisfied that the use of the site for non-employment uses and for a town centre use would be acceptable in this instance and that the requirements of the NPPF in relation to these matters, and that of Policy E3 and Policy S11 of the Replacement Local Plan have been met, particularly when considering the need of the planning system to support economic growth and the regeneration of brownfield sites.

### **Risk Posed by the Total Lindsey Oil Refinery**

The site is located within the Development Proximity Zone (DPZ) of Total Lindsey Oil Refinery Terminal. The HSE have advised against allowing the proposed development because of its proximity to the oil terminal and the potential risk posed should an explosion occur at the site. The HSE have however indicated that they would consider reviewing its advice if a suitably worded condition were to be included in any permission which would prevent the occupation of the site until the relevant hazardous substances consents for the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been revoked.



The Chevron Ltd hazardous substance consents have now been revoked as the site has now been cleared and the official process for revoking this consent is being finalised. However, it is likely that for the foreseeable future that the Total Lindsey Oil Refinery site will remain in operation. The applicants have submitted an assessment of the risk posed by the Total site and Total have reviewed the assessment and have raised a number of issues regarding the assumptions made in the report which affect the risk levels that the applicants have calculated. The HSE have provided further advice in terms of the factors that they consider need to be included within any assessment. The applicants have reviewed their assessments, however I am still not satisfied that the assumptions used to generate the level risks are robust and that further work is required in relation to this matter.

I am mindful of the requirement of paragraph 186 and 187 that Local Planning Authorities should work proactively with applicants and should approach decision making in a positive way and look for solutions rather than problems. In considering this, I am of the opinion that the comments made by the HSE in relation to them reviewing their advice if a suitably worded condition were to be included in any permission which would prevent the occupation of the site until the relevant hazardous substances consents for the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been revoked, should be considered in this instance. As a result of the advice from the HSE, a condition has been considered by both myself and the applicant which would restrict the occupation of the development until either both of the relevant hazardous substance consents have been revoked, or a report has been submitted that adequately assesses the level of risk posed by the Total Oil Refinery and that any risks can be adequately mitigated. If members were minded to approve this application, the application would need to be referred back to the HSE, to ensure that they are content with the wording of the condition and the development itself.

The HSE have 21 days within which to give further consideration to the matter and they do have the power to request that the Secretary of State for Communities and Local Government call in the application for its own determination.

### **Land contamination and Flood Risk**

Paragraph 121 of the NPPF refers to land contamination and requires that the site is suitable for its new use taking account of ground conditions and proposals for mitigation after remediation the land is not capable of being determined as contaminated land under Part IIa of the Environmental Protection Act 1990; and adequate site investigation, prepared by a competent person is presented.

Policy ENV3 of the Replacement Local Plan sets out that development will not be permitted on contaminated land unless practicable and effective measures to treat, contain or control the contamination are taken.

The development is proposed upon part of the former Chevron Terminal and as such the site is known to be contaminated. The Scientific Officer has advised that further assessments are required and that the site should be split into zones for assessment purposes. However, the Scientific Officer has no objection subject to a suitably

worded condition being attached to any consent requiring further assessment work to be carried out and for the site to be remediated to a standard appropriate for its end use. The Environment Agency has also requested that such a condition be attached to any permission granted.

Given that no objections have been raised by either the Scientific Officer or the Environment Agency, I am of the opinion that conditions can be attached to ensure that the site is remediated in a manner which is appropriate for the proposed end use.

The site is within Flood Zone 3. Flood risk is addressed by paragraphs 99-104 of the NPPF. Paragraph 103 sets out that, when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere and that permission is only granted if, following application of the Sequential and Exceptions Tests, it is demonstrated that:

Within the site, the most vulnerable development is located in the area of lowest flood risk unless there are overriding reasons; and  
Development is appropriately flood resilient and resistant and priority is given to the use of sustainable drainage systems.

Policy 1 of the ACS follows a similar approach to this requiring the precautionary principle to be adopted. Objections to the Flood Risk element of Policy 1 are not considered to be significant in terms of this proposal and the Policy should be given significant weight.

The Environment Agency has reviewed the information submitted as part of the application. They have raised concern that even with the Flood Protection measures carried out as part of the Left Bank scheme in 2012, there is still a residual risk that these defences could be breached. The EA requested that the Council's Emergency Planner be consulted in relation to this application. The Emergency Planner has requested in line with the EA comments that a condition be imposed requiring details of an evacuation plan to be submitted should flooding occur. The EA have raised no other objections to the proposed development. They have suggested a number of conditions relating to a surface water drainage scheme and requiring details of any piling required as part of any foundation design for the scheme.

It should be noted that due to the previous use of the site and the level of contamination, in this instance it is not possible to make use of a sustainable urban drainage scheme. However the condition suggested by the EA will need to limit runoff rate to 10% betterment from the existing drainage conditions. To assist this it is proposed to use rain water harvesting.

I am satisfied that there is no sequentially preferable site for the proposed development. As the public house is not a use that is considered appropriate within Flood Zone 3a, it has been subject to the Exception Test. The exception test requires demonstration that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment, where one has been prepared. I am satisfied that the remediation and redevelopment of this site at a strategic location within the Borough of Gedling, is

sufficient to meet the Exception Test. The other aspect of the Exception Test is that it must be demonstrated that the site will be safe and that it will not increase flooding elsewhere, and if possible reduce flood risk overall. Given the comments from the EA I am satisfied that the proposed development would be safe and would not increase the risk of flooding elsewhere, I also consider that the reduction in the amount of surface water drainage at the site would assist in reducing the risk of flooding overall.

### **Impact on the highway network and transport safety**

Paragraphs 29-41 of the NPPF address the promotion of sustainable transport. Paragraph 30 states that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestions. Paragraph 32 requires that planning decisions take account of whether:

Opportunities for sustainable transport modes have been taken;  
Safe and suitable access to the site can be achieved for all people; and  
Improvements can be undertaken within the transport network.

Policy T1 of the Replacement Local Plan (Certain Policies Saved 2008) identifies that contributions will be sought from significant developments to meet additional transport costs that arise from the proposed development.

It is considered that T1 is highly consistent with the NPPF and up to date. It should be given significant weight in the determining the application.

Policy 14 (Managing Travel Demand) adopts a similar line but includes a hierarchical approach to sustainable transport networks. The Policy sets out the following order:

- a) site specific and area wide travel demand management;
- b) early improvements to public transport, walking and cycling facilities;
- c) optimisation of existing highway network to prioritise public transport, walking and cycling; and
- d) Network management measures then highway capacity improvements.

While there are unresolved objections to this Policy the approach it adopts is broadly supported. It is considered that significant weight should be given to this policy.

The implications of this development for the highway network have been considered as part of the overall redevelopment that forms part of this application 2013/0497 and also that of the Sainsbury's store, and B1/B2 and B8 employment units that form part of planning application reference 2013/0500. The assessment has also included a sensitivity test for the proposed Teal Close application which is still to be determined. The assessment and modelling that has been carried out indicates that the extra traffic to be generated by the proposed development (application 2013/0497 and 0500) will be accommodated on the local road network, subject to improvements being made to junctions on the local road network.

The County Council as Local Highway Authority has advised that the following works need to be carried out prior to any development being occupied:-

A new signalised junction on to the Colwick Loop Road;  
Highway improvements at Colwick Loop Road/ Road No1 junction; and  
Highway improvements at A612/Burton Road/Shearing Hill junctions

The applicant has agreed to provide these improvements as part of application 2013/0500. In addition as part of the proposal for both application sites the applicant has agreed to divert City Link service 2 along Private Road No.3 and there are proposals to enhance pedestrian and cycling infrastructure both within the development site and across the A612 Colwick Loop Road. Given the proposed package of measures, I consider that the proposed development would meet the requirements of the NPPF paragraphs 29 to 41, Policy T1 of the RLP and Policy 14 of the ACS submission draft. As the requirements are to be satisfied through application 2013/0500 the junction alterations do not need to be secured through conditions attached to this permission.

A total of 57 car parking spaces of which 2 would be for disabled users are proposed to be provided. I note that as part of the transport assessment that detailed calculations have been undertaken which predict the likely number of visits to the public house and that highways have not raised any objections to the number of spaces to be provided. The number of car parking spaces to be provided as part of the A3/A5 unit that is proposed would be considered as part of the reserved matters application/s.

Given the above considerations I am satisfied that an appropriate number of car parking spaces have been proposed in association with the proposed public house.

### **The appropriateness of the proposed design of the public house/restaurant**

Paragraph 56 of the NPPF identifies that great importance is attached to the design of the built environment and good design is a key aspect of sustainable development. The NPPF goes on to say in paragraph 63 that great weight should be given to outstanding or innovative designs which help raise standards in the area while paragraph 64 identifies that poorly designed development or development that fails to take the opportunity to improve the character and quality of the area should be refused planning permission.

This requirement for a high standard of design is also present in Policy ENV1 and Policy S11 of the Replacement Local Plan. ENV1 sets out that development should be of a high quality and not adversely affect the area by reason of its scale, bulk, form, layout or materials. S11 requires that proposals are of an acceptable scale and there is no unacceptable harm as a result of the materials and design. Significant weight should be given to S11 as it is up to date and consistent with the NPPF.

ACS Policy 10 provides detailed information about the requirements for new development in terms of design and how these will be assessed. It requires that all new development should be designed to:

- a) make a positive contribution to the public realm and sense of place;
- b) create an attractive, safe, inclusive and healthy environment;

- c) reinforce local characteristics;
- d) be adaptable to meet changing needs of occupiers and the effects of climate change; and
- e) reflect the need to reduce the dominance of motor vehicles.

There is general support for the principles in Policy 10 and it, therefore, should be given significant weight in determining the applications.

The public house would be traditional in appearance and would have a pitched roof. Its scale and massing would resemble a country public house that has been extended over the years. Whilst I note that the Urban Design Officer would have preferred a more contemporary style building I do not consider that the proposed design of the public house would have an adverse impact on the visual amenity of the surrounding area.

I note that the servicing area proposed to the public house would be sited alongside the Loop Road. However, given the difference in site levels between the road and the servicing area, and that the area would be enclosed by a 2m high close boarded fence, and that landscaping is proposed along the embankment, I do not consider that the servicing area would have a detrimental impact on visual amenity.

The entrance to the public house would be visible from the proposed new roundabout. To the front of the public house would be a children's play area and a landscaped garden area. Precise details of the children's play area have not been provided as part of the application however these could be subject to a condition.

The design of the proposed A3/A5 unit would be considered at reserved matters stage.

Given the design of the public house and the context of the surrounding area, I consider that the proposed development would enhance the visual amenity of the area and make a positive contribution to the public realm.

### **The impact of the proposed development on local amenity**

Policy E3 of the replacement local plan requires consideration to be given to the impact of the development on local amenity. Policy ENV1 of the replacement local plan also requires consideration of the impact of any increased activity on adjoining properties. The location of the public house and also the proposed A3/A5 unit next to the Colwick Loop Road and the proposed new access road would ensure that these uses would have no adverse impact on any surrounding properties. In addition the closest neighbouring properties are commercial and industrial uses. I therefore consider that the proposed development would be acceptable in relation to Policy ENV1 and Policy E3 of the replacement Local Plan.

### **The impact of the development on nature conservation and the need to enhance biodiversity**

Paragraph 118 of the NPPF, requires consideration to be given to enhancing biodiversity. Given the previous use of the site, the site's current value to nature

conservation is limited; however I do consider that the proposed landscaping provides an opportunity to improve biodiversity. I note that the Nottinghamshire Wildlife Trust have raised no objections to the proposed development and that the proposed mix of planting has been altered following suggestions made by the Trust. I therefore consider that the proposed development satisfies the requirements of the NPPF in relation to biodiversity.

### **Other Material Considerations**

As noted above, parts of the site have been vacant since 2002 with other parts since 2007. While small parts of the site have been used for temporary uses such as storage, the majority of the site has not been in active use for a number of years. The site is prominent being on a major route through the Borough into Nottingham City Centre and due to its former use is understood to be contaminated. Although I am mindful of the employment status of the site, I consider that weight should be given to the benefits of bringing a major brownfield site back into active use and to the benefits of remediating a contaminated site.

As noted above, the NPPF requires that “significant weight should be placed on the need to support economic growth through the planning system”. Overall significant weight should be given to the jobs and economic benefit from the proposal.

The improvements to highway network and also the benefits in relation to the rerouting of the public bus service that this proposal would make towards sustainable transport, would negate the need for requesting a contribution towards integrated transport measures. Therefore, through the package of measures proposed, the requirements of Policy T1 of the replacement local plan and Policy 18 and 19 of the ACS are met.

### **Other issues**

The applicant has also agreed to make a contribution towards the monitoring of the proposed Travel Plan. These contributions would need to be secured through a section 106 agreement.

### **Conclusion**

In terms of employment land, it is considered that the applicant has demonstrated that there has been extensive marketing of the site in accordance with Policy E3. While the loss of the part of the existing employment site for non-employment uses together with other losses and the potential loss at Teal Close, will put Gedling Borough close to the target identified in the Aligned Core Strategy, there will still be sufficient employment land remaining.

Weight should also be given to benefits of the proposal in terms of the redevelopment of a major contaminated brownfield site on a prominent route through Gedling Borough and the jobs and economic benefit of the proposal. I therefore recommend that this application be granted planning permission.

Given the comments made by the Health and Safety Executive, if Members are

mindful to approve this application it will need to be referred to the HSE in order to ensure that they are satisfied with condition 4, which is set out below.

### **Recommendation:**

**To GRANT PLANNING PERMISSION subject to the applicant entering into a Section 106 Agreement for the provision of contributions and towards travel plan monitoring with the County Council as Highway Authority and subject to the following conditions:-**

### **Conditions**

- 1 The public house hereby permitted shall be begun within five years from the date of the approval of the last reserved matters to be approved in relation to the restaurant element.
- 2 Application for the approval of any of the reserved matters (namely appearance, layout, landscaping and scale) required for the restaurant element shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The restaurant element hereby permitted shall be begun within five years from the date of the approval of the last reserved matters to be approved.
- 4 The public house or restaurant element shall not be brought into use until either: a) The hazardous substances consents for both the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been are revoked, or b) A report relating to the respective element has been submitted to the LPA outlining the level of risk posed by the presence of the Total Lindsey Oil Refinery Ltd together with details of any proposed mitigation measures and the LPA have agreed in writing that they are satisfied with the conclusions of the Report so to allow the respective element to be occupied. Any mitigation measures proposed in the report to be approved in writing by the Borough Council shall be implemented in accordance with the approved report.
- 5 The restaurant element shall not exceed 452 square metres (Gross External Floor Area).
- 6 The public house and restaurant shall be developed in accordance with drawings, A-PL-02 Rev. A (Location Plan) A-PL-30 B ( Marstons Public House and Restaurant Plan), 0055/12/ 02 02 C Site Plan,0055/12/ 02 04 C Elevations, 0055/12/ 02 05 B Fence Locations + Details and Pergola Details, 0055/12/ 02 03 A Floor and Roof Plan and Marstons Public House and Restaurant Detailed Planting Plan GC.818000.303 A.
- 7 Prior to the public house being first brought into use precise details of the play equipment to be installed within the play area, together with a timescale for its

installation shall be submitted to and approved in writing by the local planning authority. The play equipment shall be installed in accordance with the approved details and timescale, and shall be retained thereafter in accordance with the approved details.

- 8 The approved planting scheme, fencing, pergola and surfacing materials to be used within the soft and hard landscaping scheme submitted in relation to the public house shall be provided prior to the to the public house being first brought into use, or to a timescale to be prior agreed in writing by the local planning authority. The fencing, pergola and surfacing materials shall be retained thereafter in accordance with the approved details.
- 9 Prior to the public house being first brought into use precise details of any minor artefacts and structures such as external benches, refuse or storage units and lighting together with a timescale for their installation shall be submitted to and approved in writing by the local planning authority. Any proposed lighting scheme shall also include details of the spread of light beyond the site boundaries and the hours of illumination. Any minor artefacts or structures shall be installed in accordance with the approved details and retained thereafter.
- 10 The Public House shall not be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan 0055/12/0202 Rev C. The parking/turning/servicing areas shall not be used for any purpose other than purpose thereafter.
- 11 The Public House shall not be brought into use until the cycle parking layout as indicated on drawing 0055/12/0202 Rev C has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 12 The Public House or Restaurant element shall not be occupied until a Full Travel Plan for that respective element has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.
- 13 Details of measures to prevent the deposit of debris upon the adjacent public highway during the construction of both the proposed Public House and Restaurant element shall be submitted to and approved in writing by the LPA prior to the commencement of development of the respective elements(excluding any site clearance and remediation works as required by condition 20). The approved measures shall be implemented in accordance with the approved details prior to any construction works commencing on the respective phase and retained in situ until the respective element has been constructed.



- 14 The proposed development shall not be brought into use until the following works have been provided in accordance with details that have been first agreed with the Local Highway Authority and shall be carried out to the satisfaction of the Local Planning Authority.; (a) A new signalised junction has been provided on to the Colwick Loop Road. (b) Highway Improvements have been provided at Colwick Loop Road / Road No1 junction. (c) Highway improvements have been provided at A612 / Burton Road / Shearing Hill junctions.
- 15 The Public House and Restaurant elements shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures: (a) As a minimum, proposed floor levels will be set with a freeboard of 600mm above existing ground levels. (b) Other than in those areas where levelled or graded access is required to or from a building or to provide vehicular access into and between the respective elements, external finished ground levels will be no less than 300mm below the proposed floor level of the nearest building. (c) Where local flooding occurs surface water runoff is to be routed away from the buildings along the footways and roadways to the drainage system. The mitigation measures for each respective element shall be fully implemented prior to occupation of the respective element.
- 16 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a scheme providing an evacuation plan for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The approved scheme for the respective element shall be fully implemented and subsequently maintained.
- 17 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a scheme to provide flood resilience design for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The approved scheme for the respective element shall be fully implemented and subsequently maintained.
- 18 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a surface water drainage scheme for the respective element, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The respective scheme for each element shall subsequently be implemented in accordance with the approved details before the respective

element is occupied. The scheme shall also include: (a) The utilisation of sustainable drainage techniques, including rainwater harvesting and permeable paving; (b) Limitation of the runoff rate to a 10% betterment from the existing drainage conditions as detailed in a letter dated 16th September 2013 from Morgan Tucker, limiting discharge to 5.3l/s/ha (QBAR); (c) Water quality management to be incorporated within the design, with two forms of treatment prior to discharge from the site; (d) Demonstration through hydraulic calculations that appropriate attenuation is to be provided to limit the rate of runoff from the site. (e) Confirmation of responsibility and management of the drainage features on construction of the scheme.

- 19 Prior to the commencement of development of the Public House (excluding any site clearance and remediation works as required by condition 20) a scheme for the safe refuge of any residents during an extreme event has been submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The scheme shall be fully implemented and subsequently maintained.
- 20 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance) an investigation and contamination risk assessment report relating to the respective element detailing those areas and / or contaminants not covered within the Ground Conditions Chapter of the submitted Environmental Statement shall be provided to the Local Planning Authority. If the information submitted with the application or within this additional report indicates that remediation is necessary, details of a remediation scheme for the respective element shall be submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme shall be given to the local planning authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the respective element. If during the course of development contamination not previously identified is found to be present at the site, no further development other than that agreed in writing with the Local Planning Authority shall be carried out until an amendment to the remediation scheme giving details on how to deal with this contamination has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.
- 21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

- 22 The Public House and Restaurant element hereby approved shall not be brought into use until full details of a Local Employment Partnership has been submitted to and approved in writing by the Local Planning Authority, this shall include details of how the partnership shall be sustained for the life time of the development. The partnership shall be implemented in accordance with the approved details prior to either element being brought into use. Evidence shall be submitted to the Local Planning Authority that the partnership has been established.
- 23 Prior to occupation of either the public house element or the restaurant element a viability assessment for additional renewable energy installations shall be submitted to the Local Planning Authority. If these prove viable, including those producing power only for the site's use, full details of the proposed installations shall be submitted for the approval of the Local Planning Authority and installed until technologically obsolete.

### **Reasons**

- 1 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004 and to allow sufficient time to enable either the revocation of the relevant Hazardous Substance Consents for Total Lindsey Oil Refinery Ltd and Chevron Ltd or for the Borough Council as Local Planning Authority to have confirmed in writing that the risk posed by the Total Lindsey Oil Refinery to be acceptable.
- 2 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004
- 3 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004
- 4 The Borough Council as Local Planning Authority is not satisfied that the risk posed by the adjacent Total Lindsey Oil Refinery is acceptable to allow the occupation of the proposed public house/restaurant and the proposed drive through restaurant. This condition will enable the public house/restaurant and the proposed restaurant/takeaway to occupied only if the relevant hazardous substances consents for both the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been revoked or if the Borough Council as Local Planning Authority has confirmed in writing that it is satisfied that the so as to allow the development to be occupied whilst the adjacent Total Lindsey Oil Refinery is still in operation and the relevant hazardous substance consent for Chevron Ltd has been revoked.
- 5 For the avoidance of doubt and to ensure that the gross external floor area of the unit is set at outline stage so that the impact of the proposed development is within the parameters indicated within the assessments that have accompanied the application.
- 6 To ensure a satisfactory development that accords with Policy ENV1 of the

Gedling Borough Replacement Local Plan.

- 7 To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 8 To ensure a satisfactory development that accords with Policy ENV2 of the Gedling Borough Replacement Local Plan.
- 9 To ensure a satisfactory development that accords with Policy ENV2 of the Gedling Borough Replacement Local Plan.
- 10 In the interests of highway safety.
- 11 To encourage sustainable forms of transport
- 12 To encourage sustainable forms of transport .
- 13 In the interests of highway safety.
- 14 To ensure improve the capacity of the local highway network, in the interests of highway safety.
- 15 To reduce the risk of flooding to the proposed development.
- 16 To enable a safe means of egress from the site during an extreme flood event.
- 17 To reduce the impact of flooding on the development.
- 18 To prevent the increased risk of flooding, both on and off site and to manage surface water in a sustainable manner.
- 19 As living accommodation, ancillary to the use, is proposed then a safe refuge must be provided.
- 20 To ensure the site is suitable for use.
- 21 To ensure that there is no mobilisation/ migration of contamination into the underlying aquifer.
- 22 To ensure that the uses once operational employ local people.
- 23 To assist in satisfying energy demand from renewable energy sources, in line with paragraph 17 of the National Planning Policy Framework.

### **Reasons for Decision**

The proposed development accords with the relevant policies of the Local Plan and the National Planning Policy Framework.

## **Notes to Applicant**

For the purpose of the above conditions the following words and expressions shall be used, and unless otherwise stated elsewhere in the conditions shall have the following meaning: The proposed public house with dining facilities, managerial residential accommodation at first floor, car parking, landscaping and pedestrian access running east west between the retail element and the new access road comprise the "Public House". The proposed restaurant element to the south of the public house area is defined as the "Restaurant element".

For the purposes of this application the reference to details required prior to the commencement of development (except in relation to condition 20) shall exclude remediation works required under the remediation scheme approved under condition 20.

Your attention is drawn to the written comments of the Environment Agency, The Highway Authority, the Gedling Borough Council Scientific Officer, Network Rail and the Health and Safety Executive.

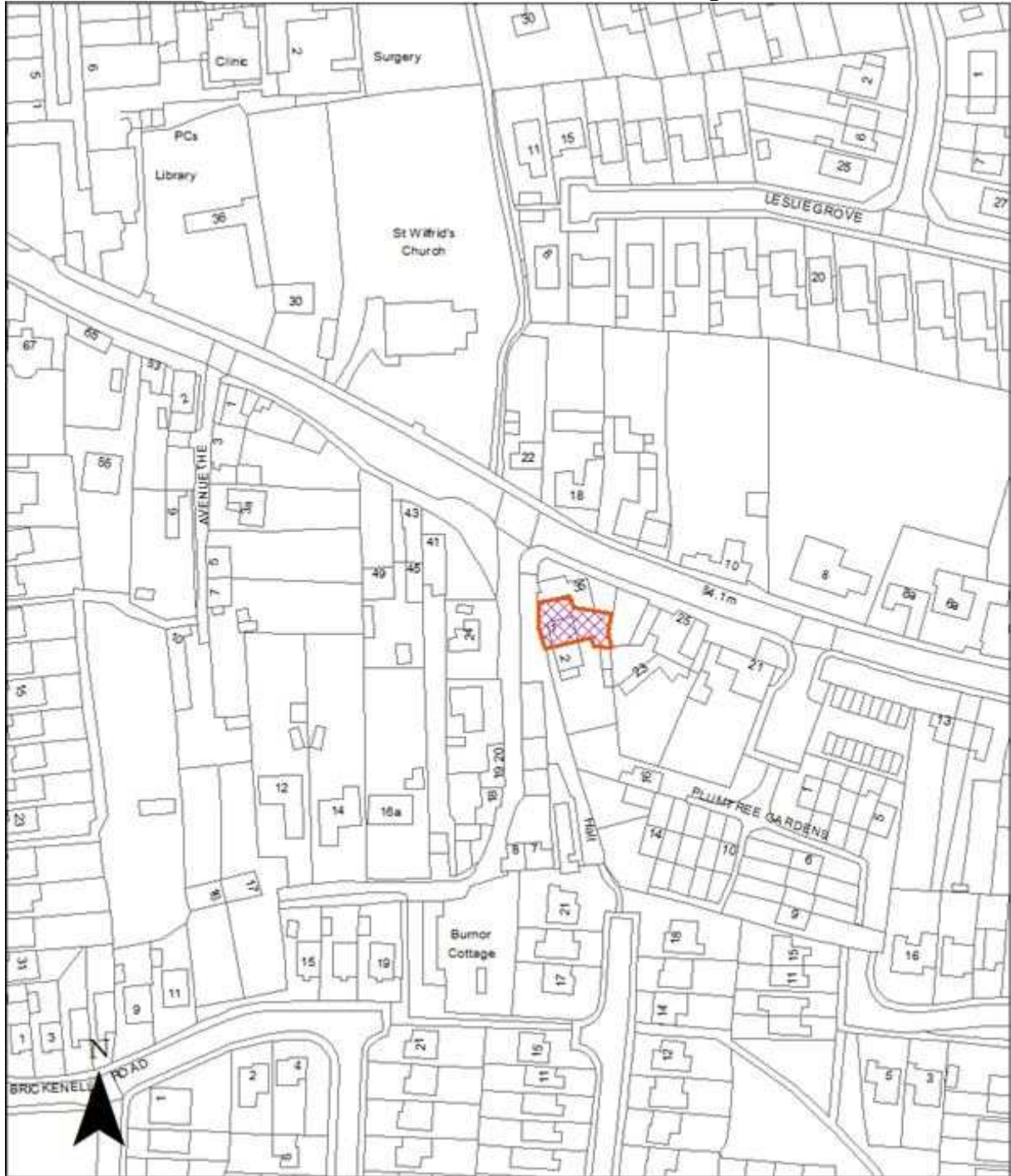
Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

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Application Number: 2013/1101

Location: 1 Burnor Pool, Calverton, Nottinghamshire, NG14 6FL



NOTE:  
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## **Report to Planning Committee**

<b>Application Number:</b>	2013/1101
<b>Location:</b>	1 Burnor Pool, Calverton, Nottinghamshire, NG14 6FL
<b>Proposal:</b>	Demolish two storey and single storey rear additions and construct new two storey rear extension and conservatory
<b>Applicant:</b>	Miss Charlotte Nash
<b>Agent:</b>	Mr Michael Nash

### **Background**

This application has been submitted by an employee of Gedling Borough Council and in line with the Council's Constitution has been referred to Planning Committee.

### **Site Description**

The site is located within the Calverton Conservation Area. The application site is located at the northern end of Burnor Pool and is the first house on the street. The dwelling to be extended is a two storey semi-detached property constructed of brick and tile. To the rear of the site is a small garden area. To the side of the property next is a driveway.

### **Proposed Development**

Full Planning Permission is sought for the erection of a two storey extension to the rear of the property and a conservatory. The two storey element would be 4.2m wide by 3.3m deep; it would have an eaves height of 4.8m and a ridge height of 6.6m. The conservatory element would measure 2.6m by 2.4m it would have an eaves height of 2.0m and a ridge height of 3.3m. The proposed development would replace an existing two storey extension to the property, although the new extension would be 1.2m deeper than the existing extension and its ridge height would be 1.5m higher. The extension would provide a kitchen and lobby area at ground floor and a bathroom at first floor.

### **Consultations**

The consultation and notification period for this application does not expire until the 29<sup>th</sup> October, should any representations be received these will be reported verbally.



**Parish Council** – No comments received

**Nottinghamshire County Council Archaeology** – No comments received

**Nottinghamshire Building Preservation Trust** – No comments received

**Gedling Borough Council Conservation and Urban Design Consultant** – No objections to the proposed development.

**Nottinghamshire County Council Highway Authority** – No comment received.

### **Neighbouring Properties**

I have not received any comments in relation to the proposed development as a result of the neighbour notification letters sent and the site notice that has been displayed.

### **Planning Considerations**

The main planning considerations in relation to this proposal are whether there would be any adverse impact on the character and appearance of the Conservation Area or any adverse impact on the residential amenity of any neighbouring properties.

The most relevant policies of the Gedling Borough Replacement Local Plan to the consideration of this application are:-

Policy ENV 15 – New Development in a Conservation Area  
Policy ENV 1 – Development Criteria  
Policy H10 – Extensions

At a national level the following paragraphs of the National Planning Policy Framework are relevant:-

Paragraph 132 – impact of proposed development on the significance of a designated heritage asset

Paragraphs 56 to 68 – relating to design

### **Impact on Conservation Area**

Policy ENV15 requires development to respect the character and appearance of the Conservation Area, to be of a scale and design that is compatible with surrounding buildings and to not cause any loss of features of historic or characteristic value. Policy ENV1 of the Local Plan also requires development to be in keeping with the surrounding area. Paragraph 64 of the NPPF requires development to make a positive contribution to the surrounding area.

The traditional design of the extension, coupled with the fact that it would not be

materially larger than the existing extension, would in my opinion respect the character of the conservation area and would have no adverse impact on the appearance of the area. To ensure that the proposed materials do not affect the appearance of the area, I suggest that a condition be attached requiring submission of materials prior to the commencement of development. I therefore consider that the proposed development would comply with Policy ENV15 and Policy ENV1 of the Local Plan, and would also meet paragraph 64 of the NPPF.

As there would be no harm or adverse impact on the Conservation Area as a heritage asset the public benefit test that would otherwise have had to be considered under paragraph 132 of the NPPF does not need to be undertaken in this instance.

### **Impact on residential amenity**

Policy H10 of the Local Plan requires proposals to not cause unacceptable harm to the amenity of nearby residents.

The dwelling house at 35 Main Street has its rear elevation sited on the boundary with 1 Burnor Pool. There are existing windows within the rear elevation, at first floor level these serve a bathroom, a landing area and a bedroom. Whilst I consider that the proposed development would have an impact on the living conditions at 35 Main Street, I do not consider that the impact would be any greater than that currently experienced given the presence of the existing extension to the rear of 1 Burnor Pool. However, in order to safeguard the residential amenity of the occupants of 35 Main Street, I recommend that a condition be attached to ensure that an obscurely glazed window that has a top hung opening is inserted into the proposed landing area to the proposed extension.

Given the existing relationship between 35 Main Street and 1 Burnor Pool and that conditions could be used to mitigate any unacceptable impacts, I consider that the proposed development would meet the requirements of Policy H10 of the Local Plan.

### **Recommendation:**

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

#### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be carried out in accordance with the plans received on the 18th September 2013.
3. Prior to the commencement of development precise details of the materials to be used within the construction of the development hereby granted shall be submitted and approved in writing by the Borough Council. The development shall be completed in accordance with the approved details.

4. The landing window on the north elevation of the proposed extension shall be obscure glazed with top opening lights only and shall remain so at all times.

### **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 secure a satisfactory development that accords with Policy ENV15, ENV1 and H10 of the Gedling Borough Replacement Local Plan.
4. To safeguard the residential amenity of the neighbouring property (35 Main Street).

### **Reasons for Decision**

The proposed development would have no adverse impact on the Conservation Area or on the amenity of neighbouring properties. The development would accord with the relevant policies of the Local Plan.

### **Notes to Applicant**

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

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

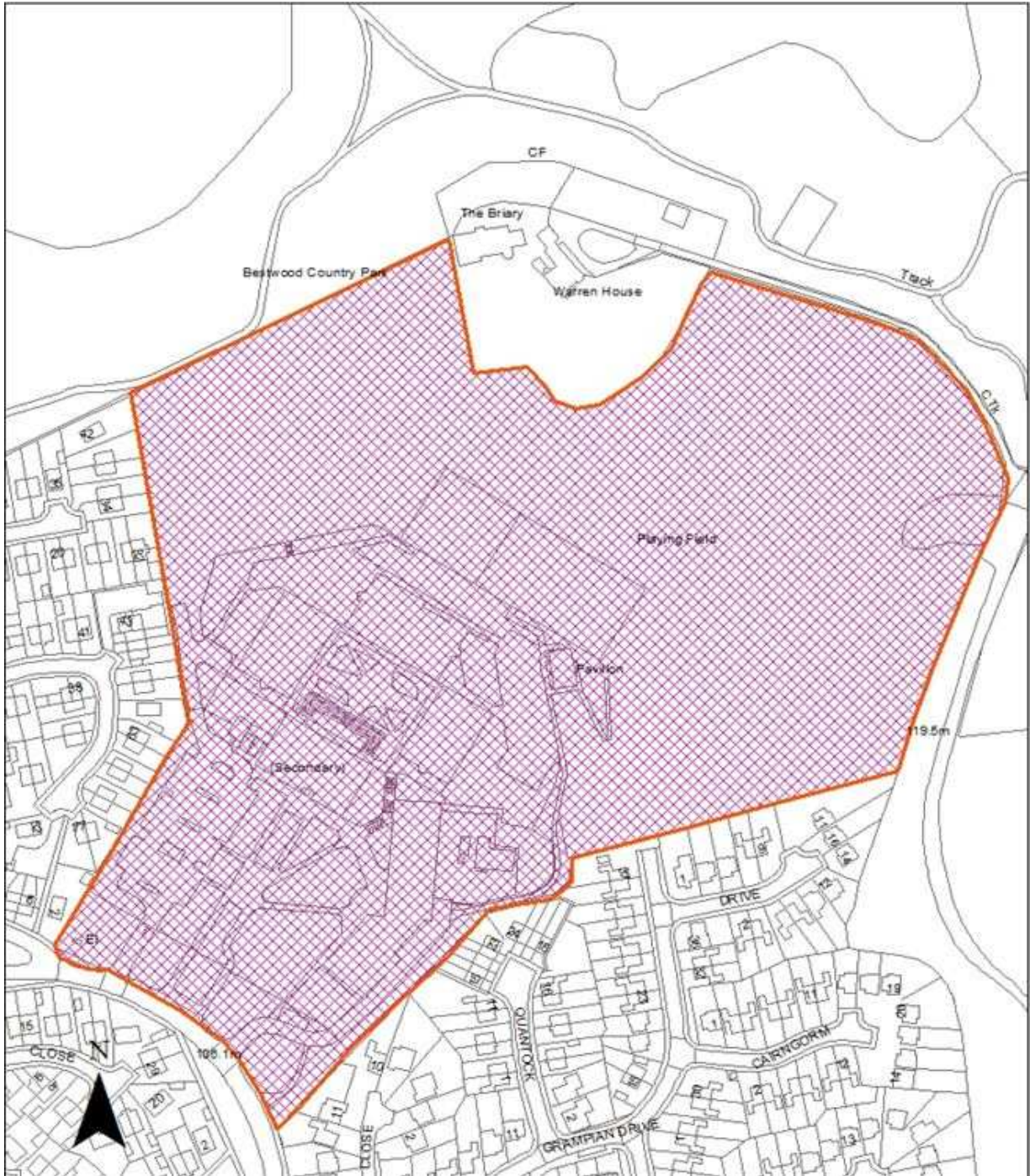
Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

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**Application Number:** 2006/0726

**Location:** Big Wood Comprehensive School, Bewcastle Road, Arnold



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## **Report to Planning Committee**

**Application Number:** 2006/0726

**Location:** Big Wood Comprehensive School, Bewcastle Road,  
Arnold

**Proposal:** Building Schools For The Future Programme- Rebuild Big  
Wood School.

### **Summary**

Authorisation is sought by the Corporate Director of Planning and Economic Development to instruct the Council's Solicitor and Monitoring Officer to discharge the section 106 Agreement dated 30<sup>th</sup> May 2008.

### **Background**

At Planning Committee on the 18<sup>th</sup> October 2006, members resolved to grant outline planning permission for the rebuilding of Big Wood Comprehensive School on its current site as one of the first projects of Nottingham City Council's Phase 1 Transforming Schools Programme. All matters were reserved for subsequent approval.

The resolution gave authorisation for the imposition of a condition requiring "that no development be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to Section 106 of the said Act relating to the land had been made and lodged with the Borough Council for the submission of a community use agreement and the Borough Council as Local Planning Authority had notified the persons submitting the same that it was to the local planning authority's approval. This included drainage improvements to the school playing fields to allow the community use.

In return the City Council were to carry out works on the play area and fields in tandem with the development and to facilitate community use both via a licence and service level agreement.

Following changes to the layout of the entrance to the school it was decided to relocate the community play area to a position that did not allow direct access from Bewcastle Road.

The revised location would make access difficult when the community play area was open for public during out of school hours and would have moved it closer to neighbouring properties which would cause them some disturbance.

Drainage of the playing fields has not taken place, however the community use is available to junior football teams which do not create the same wear and tear impact on the pitches as senior teams.

The payments due under the S106 agreement have not been made.

In the light of the change in proposals it is not intended that the respective obligations by the parties under the section 106 agreement will be enforced.

### **Considerations**

I am mindful that as a result of the relocation of the entrance to the school and the resiting of the play area there would be no direct access to the play area from the main road which would be problematic for the public outside of school hours. I am also mindful that the resiting of the play area would result in undue impact upon the residential amenity of the occupiers of nearby neighbouring dwellings.

I am also mindful that paragraphs 186 and 187 of the National Planning Policy Framework states that local planning authorities should approach decision-taking in positive way and should look for solutions rather than problems. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. I consider that the redevelopment of the school has improved the social and environmental conditions of the local area by virtue of improved landscaping and educational facilities.

### **Recommendation:**

Taking the above into consideration I am of the view that there are no alternative options in this instance. It is therefore recommended that authorisation is granted to the Council's Solicitor and Monitoring Officer to discharge the S106 Agreement dated 30<sup>th</sup> May 2008 in relation to planning application ref. 2006/0726 in order that the extant S106 agreement be discharged by agreement and a formal discharge entered into by the parties.

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## Report to Planning Committee

**Subject:** Update of Five Year Housing Land Supply Assessment (against the emerging Aligned Core Strategy to inform the examination) as at 31 March 2013

**Date:** 17 October 2013

**Author:** Planning Policy Manager

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### Wards Affected

All wards.

### Purpose

This report is to inform Members of the update of the Five Year Housing Land Supply Assessment against the emerging Aligned Core Strategy to inform the hearing sessions as part of the examination of the Aligned Core Strategy.

### Key Decision

This is not a Key Decision.

### Background

- 1 The Council is required to undertake an annual assessment in order to demonstrate a five year supply of housing land against the housing requirement set out in the development plan. The current Five Year Housing Land Supply Assessment (as at 31 March 2012) was published in February 2013 and is available on the website (<http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/localdevelopmentframework>). The report looks at housing land supply against two documents:-
  - a. The East Midlands Regional Plan – this is the document that sets out the housing requirement for Gedling Borough. It is the assessment against the Regional Plan which is used for decision making.
  - b. The Aligned Core Strategy – this was included in the report for information purposes as part of the technical evidence in support of the Submission of the Aligned Core Strategy.
- 2 The Council's Strategic Housing Land Availability Assessment (SHLAA) has been updated in early 2013 (earlier than usual) to inform the hearing sessions which form part of the examination process. In conjunction with the update of the SHLAA, the five year housing land supply assessment against the Aligned Core Strategy has also been updated only in order to provide the Inspector with the most up to date information and to demonstrate that the Aligned Core Strategy, when adopted, would

identify sufficient land to meet its housing land supply requirement. The update shows the estimated housing supply would exceed the number of housing required for the five year period. The update covers the period up to 31 March 2013 and the report is available in **Appendix A**.

- 3 It is important to note that the report is **not** a formal update of the Council's Five Year Housing Land Supply Assessment and it does not look at the five year housing land supply against the East Midlands Regional Plan. The report is not intended to be used to determine planning applications and the Five Year Housing Land Supply Assessment (as at 31 March 2012) report remains the relevant report in accordance with paragraph 47 of the National Planning Policy Framework.
- 4 The Five Year Housing Land Supply Assessment is usually updated annually generally at around the same time as the Authority Monitoring Report and generally published in January each year. The Council will be updating the Authority Monitoring Report for 2012/13 in the New Year and the formal update of the Five Year Housing Land Supply Assessment will be undertaken then.

### **Alternative Options**

- 5 The alternative option is for this document not to be brought to the Planning Committee's attention, but this would mean Members are not informed about the content of the Update of the Five Year Housing Land Supply Assessment against the emerging Aligned Core Strategy (which has been updated only in order to provide the Inspector with the most up to date information and to inform the hearing sessions).

### **Financial Implications**

- 6 None.

### **Appendices**

- Appendix A – Update of Five Year Housing Land Supply Assessment (against the emerging Aligned Core Strategy to inform the examination) as at 31 March 2013.

### **Background Papers**

- 7 None.

### **Recommendation**

**To note the content of the Update of Five Year Housing Land Supply Assessment (against the emerging Aligned Core Strategy to inform the examination) as at 31 March 2013.**

### **Reasons for Recommendations**

- 8 To clarify the status of the updated Five Year Housing Land Supply Assessment against the emerging Aligned Core Strategy.

**Update of  
Five Year Housing Land  
Supply Assessment  
(against the emerging  
Aligned Core Strategy to  
inform the examination)**

as at 31 March 2013

September 2013

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## Introduction

1. The purpose of this report is to update the five year housing land supply assessment against the emerging Aligned Core Strategy to inform the discussions at the hearing sessions as part of the examination of the Aligned Core Strategy.
2. This report is not intended to be used to determine planning applications and the Five Year Housing Land Supply Assessment (as at 31 March 2012) report remains the relevant report in accordance with paragraph 47 of the National Planning Policy Framework.
3. The last five year housing land supply assessment was undertaken for the period up to 31 March 2012 and the report was published in February 2013. The report looked at the five year housing land supply against East Midlands Regional Plan which sets out the housing requirement for Gedling Borough. The report also included the assessment against the Aligned Core Strategy for information purposes and to provide technical evidence in support of the Aligned Core Strategy.
4. The assessment has been updated against the Aligned Core Strategy only in order to provide the Inspector with the most up to date information. The update covers the assessment for the period up to 31 March 2013.
5. The time frame of this five year housing land supply update is 1 April 2014 – 31 March 2019 in accordance with advice from previous government guidance<sup>1</sup>.
6. All sites in the five year housing land supply assessment have been identified through the Council's Strategic Housing Land Availability Assessment (SHLAA). The SHLAA has been updated in 2013. Where available, anticipated completion timescales and rates are as provided by the developer/landowner. Where this information has not been provided, then the methodology has been used (as set out in **Appendix A**) based on the viability of a site's location.
7. The housing trajectory for the Aligned Core Strategy has been updated based on information as at 31 March 2013 and is attached as **Appendix B**.

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<sup>1</sup> Although Planning Policy Statement 3: Housing has been replaced by the National Planning Policy Framework, this is still the most recent guidance regarding this issue as noted in the CLG letter to Chief Planning Officers (20 August 2008).

## Delivery of Housing

8. The National Planning Policy Framework has introduced a new requirement to have in place sufficient land available to meet a five years supply plus either 5% or 20% depending upon past performance. Paragraph 47 states that planning authorities should:-
  - identify and update annually a supply of specific deliverable<sup>2</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land; and
  - identify a supply of specific, developable<sup>3</sup> sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.
9. To assess whether Gedling Borough has “a record of persistent under delivery of housing”, it is important to look at the long term trend over an economic cycle. The East Midlands Regional Plan was adopted in March 2009 so housing delivery against the previous development plan would also need to be assessed. The Nottinghamshire and Nottingham Joint Structure Plan adopted in February 2006 set a housing requirement of 5,000 dwellings for the period 2001 to 2021 (annual requirement of 250 dwellings). The number of net dwellings completed between 2001 and 2013 was 3,234 dwellings against the cumulative requirement of 3,000 dwellings resulting in an oversupply of 234 dwellings (8%) as shown in Table 1.
10. The East Midlands Regional Plan sets a housing requirement of 8,000 dwellings between 2006 and 2026 (annual requirement of 400 dwellings). Table 1 shows the number of net dwellings completed between 2006 and 2013 was 2,064 dwellings against the cumulative requirement of 2,800 dwellings for that period. As such, the Regional Plan housing requirement was not met during that period and there was an undersupply of 736 dwellings.
11. It is important to note that there has generally been a national drop in dwelling completions since 2007/08 due to the effect of the UK’s recession with housing delivery slowed or stopped on a number of sites. Following the introduction of the Regional Plan, the annual average was 372 dwellings (93% of target) in 2006-2008 compared to an average of 295 dwellings (74% of target) in 2006-2013. It is clear that the delivery was significantly higher until the recession took full effect.

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<sup>2</sup> To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.

<sup>3</sup> To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

**Table 1: Gedling's net completions (cumulative) (2001-2013)**

	Net completions (cumulative)	Joint Structure Plan target (cumulative)	% of target	Net completions (cumulative)	Regional Plan target (cumulative)	% of target
2001/02	133	250	53 %			
2002/03	335	500	67 %			
2003/04	690	750	92 %			
2004/05	926	1,000	93 %			
2005/06	1,170	1,250	94 %			
2006/07	1,466	1,500	98 %	296	400	74 %
2007/08	1,913	1,750	109 %	743	800	93 %
2008/09	2,117	2,000	106 %	947	1,200	79 %
2009/10	2,391	2,250	106 %	1,221	1,600	76 %
2010/11	2,732	2,500	109 %	1,562	2,000	78 %
2011/12	3,007	2,750	109 %	1,837	2,400	77 %
2012/13	3,234	3,000	108 %	2,064	2,800	74 %

12. Against the Joint Structure Plan, the annual target of 250 dwellings was met in 6 of the 12 years and nearly met in the 4 of the 12 years. Against the Regional Plan, the annual target of 400 dwellings was met in 1 of the 7 years and more than 3/4 of the target was met in the 6 of the 7 years.
13. In the period prior to the adoption of the Gedling Borough Replacement Local Plan in July 2005, the number of completions gradually increased, in part as developers brought forward sites identified through early stages of the local plan process. The percentage of completions on allocated sites was low, although not all sites allocated in the previous 1990 Local Plan were brought forward for development (such as at Tamarix Close and Newstead Sports Ground). Table 2 shows that during the period 2005-06, 99% of dwellings were built on windfall sites and only 1% dwellings were built on sites that had been allocated in the 1990 Local Plan.
14. Following the adoption of the Replacement Local Plan in 2005, the Flatts Lane site was the first site to commence in 2005/06. The Bestwood Colliery, Chartwell Grove and Longdale Lane sites commenced in 2006/07. During the period 2007/08, 78% of dwellings were built on windfall sites and 22% of dwellings were built on allocated sites. The percentage completed on allocated sites had increased significantly from previous years, as a result of the adoption of the Replacement Local Plan.
15. There has been a drop in dwelling completions since 2007/08 due to the effect of the UK's recession. The recession means that housing delivery has slowed or stopped on a number of sites. The Chartwell Grove site was affected by the recession and the site is currently under construction but at a slower rate than when development on the site commenced.
16. Whilst the Plains Road/Arnold Lane, Stockings Farm, Ashwater Drive and Howbeck Road sites are now under construction work has commenced on these sites significantly later than anticipated (in 2009/10, 2010/11, 2011/12 and

2012/13 respectively), especially given that all are relatively straightforward, urban edge, greenfield sites.

17. It should be noted that the percentage of dwellings completed on allocated sites has significantly increased, to around 50% in 2010/11 and 2011/12 and up to 75% in 2012/13.
18. Outline planning permission for the Dark Lane site was granted in 2012/13, significantly later than anticipated due to the need to await the outcome of a village green application. A reserved matters application was approved in August 2013 and work has not yet commenced on the site.
19. An outline planning application has been submitted during 2013/14 for residential development (up to 830 units) and other uses on the Teal Close and North of Victoria Park sites. The planning application is expected to be determined in autumn 2013. Planning applications have not been submitted for the remaining allocated sites at Newstead Sports Ground, Wood Lane and Top Wighay Farm. The Gedling Colliery/Chase Farm site is on hold due to the uncertainty over the funding for the Gedling Access Road.

**Table 2: Net completions since the adoption of the Replacement Local Plan (2005-2013)**

	<b>Net completions</b>	<b>Allocated completions</b>	<b>% of allocated completions</b>	<b>Windfall completions</b>	<b>% of windfall completions</b>
<b>2005/06</b>	244	2	1 %	242	99 %
<b>2006/07</b>	296	26	9 %	270	91 %
<b>2007/08</b>	447	100	22 %	347	78 %
<b>2008/09</b>	204	71	35 %	133	65 %
<b>2009/10</b>	274	68	25 %	206	75 %
<b>2010/11</b>	341	173	51 %	168	49 %
<b>2011/12</b>	275	134	49 %	141	51 %
<b>2012/13</b>	227	170	75 %	57	25 %
<b>Total</b>	<b>2,308</b>	<b>744</b>	<b>32 %</b>	<b>1,564</b>	<b>68 %</b>

20. The Greater Nottingham Housing and Economic Prospects report (2012)<sup>4</sup> states that the past completions trend for Gedling Borough has not been significantly affected by the market downturn. It should be noted that the Housing and Economic Prospects report looked at a longer term over 21-year period (1991-2012). However, it is clear that the sites allocated in the Replacement Local Plan in 2005 have either not come forward for development, come forward later, or been built out more slowly than anticipated. There are specific circumstances that have affected the delivery of two sites – the lack of funding to bring forward the Gedling Colliery/Chase Farm site and the delay arising from the village green application in relation to the Dark Lane site. As such, it is likely that the completions since 2008/09 could have been significantly higher. From discussions with developers, it is understood that this reluctance to bring forward sites is a result of the economic recession and the lack of available mortgage finance.

<sup>4</sup> [http://www.gedling.gov.uk/media/documents/planningbuildingcontrol/Final%20Report%20\(11-12-12-nxi\).pdf](http://www.gedling.gov.uk/media/documents/planningbuildingcontrol/Final%20Report%20(11-12-12-nxi).pdf)



21. As noted in a recent appeal decision (ref APP/K2420/A/12/2188915) relating to Land at Shilton Road, Barwell, Leicestershire<sup>5</sup>, the rate of house building cannot be considered to be entirely the result of decisions made by the Council. In addition (and reflecting the Barwell decision) there is no evidence that the Council has been obstinate in relation to the under-delivery of housing and the persistence referred to in paragraph 47 of the National Planning Policy Framework has not been demonstrated.
22. Under these circumstances, it is considered appropriate to use a 5% buffer rather than 20% to assess housing land supply.

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<sup>5</sup> <http://www.pcs.planningportal.gov.uk/pcsportal/ViewCase.asp?caseid=2188915&coid=2123328>

## Five Year Housing Land Supply Assessment based on the Aligned Core Strategy Submission documents

### Identifying the Level of Housing Provision

23. The Aligned Core Strategy sets a housing requirement of 7,250 dwellings for the plan period 2011-2028. Policy 2 of the Core Strategy as amended by the Schedule of Proposed Changes and Modifications (June 2013) states that the provision of the 7,250 dwellings will be distributed throughout the plan period as follows:-

- a) Approximately 2,840 in the main built up area of Nottingham (i.e. Arnold and Carlton)

In addition, Gedling Colliery/Chase Farm is identified as an area of future housing development

- b) Approximately 1,600 adjoining Hucknall Sub Regional Centre comprising of Sustainable Urban Extensions at:

- i) North of Papplewick Lane (up to 600 homes)  
ii) Top Wighay Farm (1,000 homes)

- c) Approximately 2,543 homes elsewhere, including in or adjoining the Key Settlements of:

- i) Bestwood Village (up to 500 homes through new allocations, 79 homes on existing commitments<sup>6</sup>)  
ii) Calverton (up to 1,300 homes through new allocations, 218 homes on existing commitments<sup>7</sup>)  
iii) Ravenshead (up to 330 homes through new allocations, 116 homes on existing commitments<sup>8</sup>)

- d) Up to 260 homes will be provided in other villages not specifically identified above solely to meet local needs

**Table 3: Aligned Core Strategy housing requirement (2011-2028)<sup>9</sup>**

2011 to 2013	2013 to 2018	2018 to 2023	2023 to 2028
550 (275 per annum)	2,200 (440 per annum)	2,850 (570 per annum)	1,650 (330 per annum)

24. It should be noted that the figures in Table 3 are not upper limits to development. They represent the anticipated rate of housing completions and are to be used by the councils to determine the level of their five year supply of deliverable housing sites.

<sup>6</sup> The existing commitments are as at 31 March 2011.

<sup>7</sup> See footnote 6.

<sup>8</sup> See footnote 6.

<sup>9</sup> These figures are rounded to the nearest 50 dwellings.

25. However the housing requirement needs to be adjusted to reflect the level of housing that has already been delivered within the lifetime of the Aligned Core Strategy. As the previous CLG guidance required the five year land supply assessment to be based upon a 'forward look', an estimate needs to be made for the number of completions during 2013-14. The estimated figure has been derived from the updated housing trajectory for the Aligned Core Strategy which is based on information as at 31 March 2013 (see Appendix B). The total dwellings completed in Gedling Borough between 2011 and 2014 are as follows:-

**Table 4: Dwellings completed (and estimated) 2011-2014**

	<b>Completed 2011-2013</b>	<b>Estimated 2013-2014</b>	<b>Total 2011-2014</b>
Urban area (Arnold and Carlton)	382	253	635
Gedling Colliery/Chase Farm	0	0	0
North of Papplewick Lane	0	0	0
Top Wighay Farm	0	0	0
Bestwood Village	32	12	44
Calverton	19	16	35
Ravenshead	57	10	67
Other villages	12	7	19
<b>Total</b>	<b>502</b>	<b>298</b>	<b>800</b>

26. The housing requirement for the period 2011-2014 is 990 dwellings<sup>10</sup>. The actual (and estimated) number of dwellings completed during that period is 800 dwellings. This represents a shortfall of 190 dwellings.

27. This leaves a requirement of 6,450 dwellings in the remaining plan period 2014 to 2028.

28. In line with the methodology as set out in a footnote as proposed by the Schedule of Proposed Changes and Modifications (June 2013), any shortfall (or overprovision) is taken into account by adding (or subtracting) proportionately from each remaining year of the trajectory. The relevant supply in each year making up the 5 year period is then added together. The under-delivery of 190 dwellings from 2011-2014 will be added throughout the remainder of the plan period<sup>11</sup>. This means additional provision of 68 dwellings for the five year period.

29. The housing requirement for the five year period is 2,330 dwellings<sup>12</sup>. However taking account of the under-delivery of dwellings from 2011-2014 means the revised five year housing requirement is 2,398 dwellings. The housing requirement plus a 5% buffer (as required by paragraph 47 of the National Planning Policy Framework) for the next five year period is therefore 2,518 dwellings.

<sup>10</sup> See Table 3 (target for “2011 to 2013” + 1/5 of target for “2013 to 2018”).

<sup>11</sup> This means +68 dwellings for the five year period (2014-2019), +68 dwellings for Years 6-10 (2019-2024) and +54 dwellings for Years 11-14 (2024-2028).

<sup>12</sup> See Table 3 (4/5 of target for “2013 to 2018” + 1/5 of target for “2018 to 2023”).

## Identifying Sites for Five Year Period (April 2014 – March 2019)

30. The sources of sites that have the potential to deliver housing during the five year period are:-
- Sites that are allocated in the Replacement Local Plan
  - Sites with planning permission that have not been implemented
  - Sites that are currently under construction
  - Unallocated sites (including sites with lapsed permission)
  - Sites that are suitable subject to policy changes
31. Some sites allocated for housing in the Replacement Local Plan (2005) have planning permission but have not yet been implemented, some are under construction and the remaining allocated sites do not have the benefit of planning permission.
32. Unimplemented sites with planning permission include a mixture of brownfield sites and greenfield sites.
33. Sites where construction has commenced but not yet completed are also included.
34. Unallocated sites have been identified as part of the Council's Strategic Housing Land Availability Assessment (SHLAA). The purpose of the SHLAA is to identify and assess sites within Gedling Borough that may have the potential to accommodate new housing development. Most of these are sites with planning permission which have lapsed within the past five years and where it is considered that delivery is likely to occur in the future. The unallocated sites include a mixture of brownfield sites and greenfield sites.
35. Sites that are suitable subject to policy changes are included in this assessment where the information provided by developers through the SHLAA process states that delivery will commence within this period.
36. All suitable sites have been included in the Core Strategy's housing trajectory for completeness which gives a theoretical maximum number of dwellings that could be provided in Gedling Borough. The total number of theoretical completions is 8,084 dwellings for the remaining plan period (2014 to 2028). The strategic sites (i.e. Top Wighay Farm and North of Papplewick Lane) are being allocated through the Core Strategy process and their capacities are known. However, more land is available in the three villages (Bestwood Village, Calverton and Ravenshead) than is needed to meet the housing requirement and 'up to' figures are given for the villages in Policy 2 of the Core Strategy in order to meet the housing target. The figures for the villages include existing commitments (primarily within the first five year period) as well as sites identified through the SHLAA process. In order to be able to indicate when sites will come forward in these locations, all sites in the villages have been included in the housing trajectory and the figures then pro-rated downwards to ensure that there are sufficient completions to deliver the housing target for the plan period.

**Table 5: Estimated housing supply for the five year period (2014-2019)**

	<b>Projected completions</b>
Urban area (Arnold and Carlton)	1,630
Gedling Colliery/Chase Farm	0
North of Papplewick Lane	345
Top Wighay Farm	700
Bestwood Village	106
Calverton	646
Ravenshead	171
Other villages	28
Windfall allowance	0
<b>Estimated Housing Supply</b>	<b>3,626</b>

37. The housing trajectory for the Aligned Core Strategy Publication Version (June 2012) was based on a total capacity of 600 dwellings for the North of Papplewick Lane site. For the SHLAA 2013 update assessment, the site capacity has been reduced from 600 to 450 dwellings. Discussions with the landowners indicate that the realistic total capacity is approximately 450 dwellings.

38. The five year housing requirement is 2,398 dwellings (see paragraph 29). The estimated housing supply of 3,626 dwellings exceeds this requirement by 1,228 dwellings.

Total Dwelling Supply	3,626
Annual Requirement for 2014-2019 <sup>13</sup>	480
<b>No of Years Supply (against target of 5 years)</b>	<b>7.55 years</b>

39. The five year housing requirement plus a 5% buffer is 2,518 dwellings (see paragraph 29). The estimated housing supply of 3,626 dwellings exceeds this requirement by 1,108 dwellings.

Total Dwelling Supply	3,626
Annual Requirement (plus 5% buffer) for 2014-2019 <sup>14</sup>	504
<b>No of Years Supply (against target of 5.25 years)</b>	<b>7.19 years</b>

**Developable sites for remainder of the plan period (April 2019 – March 2028)**

40. The overprovision of 1,228 dwellings from the five year period will be subtracted throughout the remainder of the plan period (2019-2028)<sup>15</sup>.

41. The housing requirement for the 6-10 years period (2019-2024) is 2,610 dwellings<sup>16</sup>. However taking account of the under-delivery of dwellings from 2011-2014 and overprovision of dwellings from 2014-2019 means the revised housing requirement for the 6-10 years period is 1,996 dwellings.

<sup>13</sup> Five year housing requirement of 2,398 dwellings ÷ 5 years = 480 dwellings.

<sup>14</sup> Five year housing requirement (including 5% buffer) of 2,518 dwellings ÷ 5 years = 504 dwellings.

<sup>15</sup> This means -682 dwellings for Years 6-10 (2019-2024) and -546 dwellings for Year 11-14 (2024-2028).

<sup>16</sup> See Table 3 (4/5 of target for “2018 to 2023” + 1/5 of target for “2023 to 2028”).

**Table 6: Estimated housing supply for Years 6-10 (2019-2024)**

	Projected completions
Urban area (Arnold and Carlton)	449
Gedling Colliery/Chase Farm	0
North of Papplewick Lane	105
Top Wighay Farm	300
Bestwood Village	214
Calverton	636
Ravenshead	208
Other villages	193
Windfall allowance	40
<b>Estimated Housing Supply</b>	<b>2,145</b>

42. The estimated housing supply of 2,145 dwellings exceeds the requirement of 1,996 dwellings by 149 dwellings.

Total Dwelling Supply	2,145
Annual Requirement for 2019-2024 <sup>17</sup>	399
<b>No of Years Supply</b>	<b>5.37 years</b>

43. The overprovision of 149 dwellings from the 6-10 years period will be subtracted throughout the remainder of the plan period (2024-2028).

44. It should be noted that the Core Strategy plan period ends in 2028. The housing requirement for the remaining plan period (2024-2028) is 1,320 dwellings<sup>18</sup>. However taking account of the under-delivery of dwellings from 2011-2014 and overprovision of dwellings from 2014-2019 and 2019-2024 means the revised housing requirement for the 11-14 years period is 679 dwellings.

**Table 7: Estimated housing supply for Years 11-14 (2024-2028)**

	Projected completions
Urban area (Arnold and Carlton)	93
Gedling Colliery/Chase Farm	0
North of Papplewick Lane	0
Top Wighay Farm	0
Bestwood Village	215
Calverton	201
Ravenshead	0
Other villages	20
Windfall allowance	167
<b>Estimated Housing Supply</b>	<b>696</b>

45. The estimated housing supply of 696 dwellings exceeds the requirement of 679 dwellings.

Total Dwelling Supply	696
Annual Requirement for 2024-2028 <sup>19</sup>	170
<b>No of Years Supply</b>	<b>4.09 years</b>

<sup>17</sup> Years 6-10 housing requirement of 1,996 dwellings ÷ 5 years = 399 dwellings.

<sup>18</sup> See Table 3 (4/5 of target for “2023 to 2028”).

<sup>19</sup> Year 11-14 housing requirement of 679 dwellings ÷ 4 years = 170 dwellings.

46. In the housing trajectory of the Aligned Core Strategy Publication Version (June 2012), a windfall allowance of 207 dwellings was included in the last five years of the plan period (2023-2028). The windfall allowance of 207 dwellings (40 dwellings per year except for 47 dwellings in the last year) was calculated based on the past 10 years of completions on small sites (less than 10 dwellings) excluding those on garden land as required by the National Planning Policy Framework. Large sites were excluded because they would have been identified separately through the SHLAA process. Table 8 shows the completions over the past 10 year period which has also been updated to include completions up to 31 March 2013. The average of small windfall completions excluding garden land remains at 40 dwellings per annum.

**Table 8: Windfall completions (gross) over past 10 year period (2003-2013)**

	<b>Total completions</b>	<b>Allocated completions</b>	<b>Large windfall completions</b>	<b>Small windfall completions</b>	<b>Small windfall completions excluding garden land</b>
2003/04	375	4	308	63	44
2004/05	259	8	181	70	38
2005/06	261	2	166	93	44
2006/07	315	26	202	87	29
2007/08	475	100	263	112	47
2008/09	214	71	68	75	32
2009/10	282	68	143	71	29
2010/11	386	173	103	110	82
2011/12	295	134	91	70	32
2012/13	233	170	28	35	20
<b>Average</b>	<b>310</b>	<b>76</b>	<b>155</b>	<b>79</b>	<b>40</b>

## **Conclusion**

47. The purpose of this report is to update the five year housing land supply assessment against the emerging Aligned Core Strategy to inform the discussions at the hearing sessions as part of the examination of the Aligned Core Strategy.
48. The SHLAA 2013 update assessment shows that against the housing requirement of the Aligned Core Strategy Submission documents, Gedling Borough Council has a five year plus 5% buffer supply of land for housing.



## Appendix A: Deliverability Notes (2013 update)

All future development sites included in the housing trajectory and five year housing land supply assessment have been identified through the Council's Strategic Housing Land Availability Assessment (SHLAA). The SHLAA database contains:-

### Sites in the planning system

- Sites that are allocated in the Replacement Local Plan
- Sites with planning permission

### Sites not in the planning system

- Sites with lapsed planning permission
- Sites identified by the Council
- Sites submitted by developers

Sites that have planning permission or allocated in the Replacement Local Plan are assumed to be suitable and available as they have been through the planning application or development plan process. Sites with planning permission that have lapsed within the past five years are assumed to be suitable. The submitted and council identified sites have been fully assessed but they have not been through the planning application or development plan process. Some of those sites are assumed to be suitable subject to policy changes which will occur through the Core Strategy and Local Planning Document.

Sites that are unlikely to be developed based on up-to-date information provided by developers or replaced by new planning permission for non-residential development are recorded as 'non-deliverable' and are therefore excluded from the housing trajectory and five year housing land supply.

Developers are asked to provide information on the delivery rates through the SHLAA process. If these are not provided, then the Council's assumptions are applied.

Following discussions with the Home Builders Federation, it has been assumed that:-

- On sites up to 10 dwellings, the completion rate is 5 per year;
- On sites up to 100 dwellings, the completion rate is 20 per year;
- On sites up to 1,000 dwellings, the completion rate is 40 per year; and
- On sites over 1,000 dwellings, the completion rate is 100 per year.

Assumptions about when a site will start to be developed are made based on the strength of the site's sub-market area. Market strength is reviewed each year and is a professional judgement based on an assessment of past completions data, 3 Dragons Viability Toolkit sub-market assessment and local knowledge. Market strength for all sub-market areas remain unchanged to the assumptions made in 2012 except for Arnold/Bestwood sub-market area which has been moved from weak to moderate market strength based on an increase in completions since the previous year and aligns with the 3 Dragons assessment. Table A1 provides the

Council's assumptions for sites in the planning system and Table A2 provides the Council's assumptions for sites not in the planning system.

**Table A1: Assumptions for sites in the planning system**

Market Strength	Site	Assumed year development will start
<b>Weak</b> (Colwick/Netherfield, Newstead)	Up to 10 dwellings	Year 5
	Up to 100 dwellings	Year 6
	Up to 1,000 dwellings	Year 7
	Over 1,000 dwellings	Year 8
<b>Moderate</b> (Arnold/Bestwood, Bestwood St.Albans, Calverton, Carlton, Gedling Rural South)	Up to 10 dwellings	Year 4
	Up to 100 dwellings	Year 5
	Up to 1,000 dwellings	Year 6
	Over 1,000 dwellings	Year 7
<b>Strong</b> (Arnold/Mapperley, Gedling Rural North)	Up to 10 dwellings	Year 3
	Up to 100 dwellings	Year 4
	Up to 1,000 dwellings	Year 5
	Over 1,000 dwellings	Year 6

**Table A2: Assumptions for sites not in the planning system**

Market Strength	Site	Assumed year development will start
<b>Weak</b> (Colwick/Netherfield, Newstead)	Up to 10 dwellings	Year 7
	Up to 100 dwellings	Year 8
	Up to 1,000 dwellings	Year 9
	Over 1,000 dwellings	Year 10
<b>Moderate</b> (Arnold/Bestwood, Bestwood St.Albans, Calverton, Carlton, Gedling Rural South)	Up to 10 dwellings	Year 6
	Up to 100 dwellings	Year 7
	Up to 1,000 dwellings	Year 8
	Over 1,000 dwellings	Year 9
<b>Strong</b> (Arnold/Mapperley, Gedling Rural North)	Up to 10 dwellings	Year 5
	Up to 100 dwellings	Year 6
	Up to 1,000 dwellings	Year 7
	Over 1,000 dwellings	Year 8

Sites in strong market are more likely to come forward before other sites in moderate and weak markets. As the housing market improves, sites in moderate and weak markets will become more viable.

Start years remain unchanged compared to the assumptions made in 2012 which are based on the information provided by Savills Residential Property Focus Q3 2012<sup>20</sup>. This indicates that house price growth will go above 4.5% for the Prime 'Midlands/North' Market in 2015 and above 5% for Mainstream 'East Midlands' Market in 2016.

The Greater Nottingham Housing and Economic Prospects report (2012) prepared by GL Hearn<sup>21</sup> for the Aligned Core Strategies indicates that the market will return to long term average sales volumes between 2016 and 2018. This accords with the assumptions made based on Savills work.

NB: Year 0 is the current year (2013/14). Year 1 is 2014/15. Year 5 is 2018/19.

<sup>20</sup> [http://www.savills.co.uk/research\\_articles/141285/141750-0](http://www.savills.co.uk/research_articles/141285/141750-0)

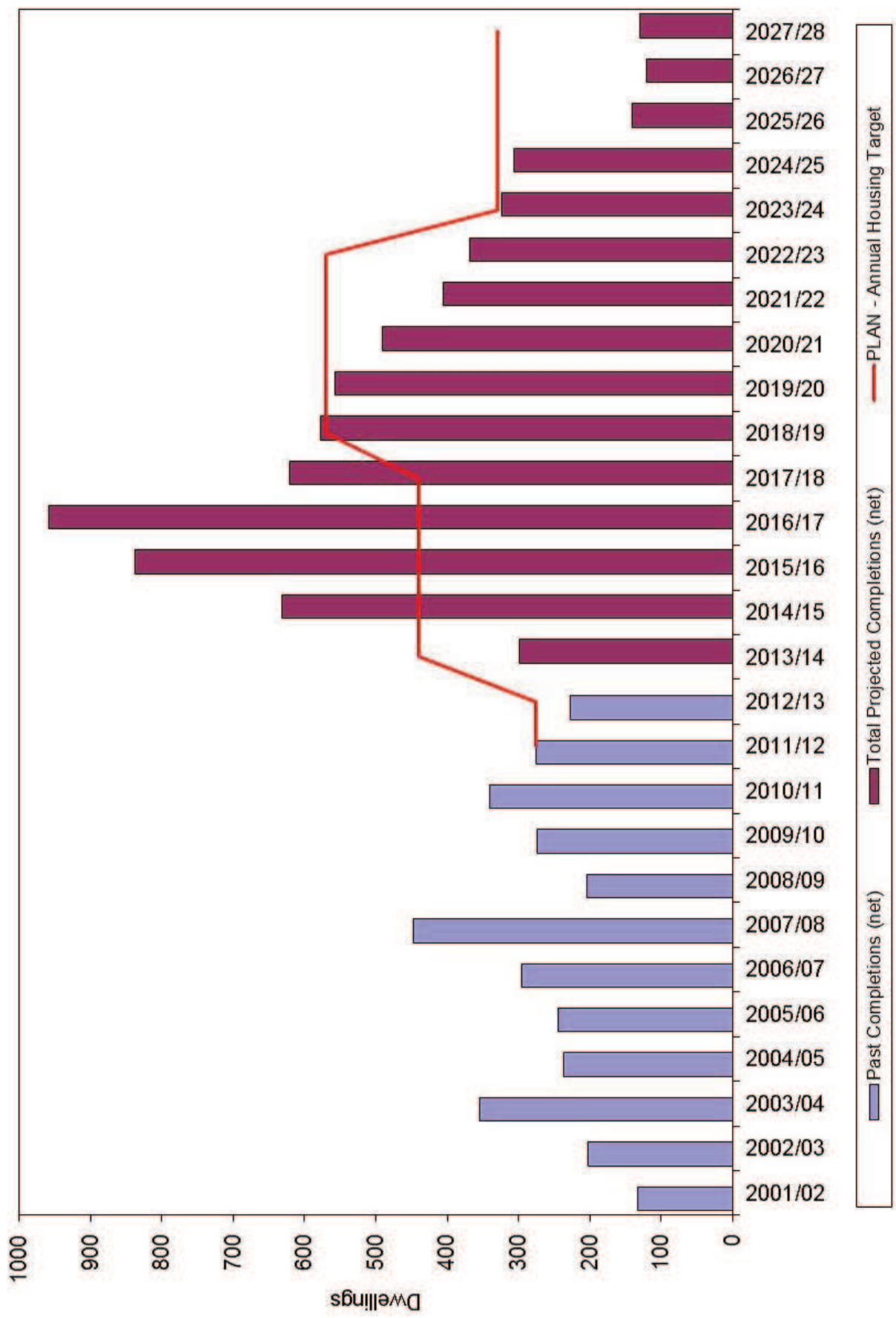
<sup>21</sup> [http://www.gedling.gov.uk/media/documents/planningbuildingcontrol/Final%20Report%20\(11-12-12-nxi\).pdf](http://www.gedling.gov.uk/media/documents/planningbuildingcontrol/Final%20Report%20(11-12-12-nxi).pdf)

## Appendix B: Housing Trajectory (2013 update)

	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	2011/28
Past Completions (net)	275	227																502
Urban area (Arnold and Carlton)	183	199	253	362	411	447	217	193	141	132	81	55	40	81	11	1		2807
Gedling Colliery/Chase Farm																		0
North of Papplewick Lane				15	60	90	90	90	90	15								450
Top Wighay Farm					100	200	200	200	200	100								1000
Bestwood Village	30	2	21		10	65	56	50	50	50	90	90	90	90	90	90	97	971
Calverton	16	3	25	234	301	256	116	94	78	135	275	275	224	190	40	40	40	2342
Ravenshead	42	15	13	120	81	19		6	42	75	60	60	36					569
Other villages	4	8	14	25	8	9	13		30	140	99	76	40	20	20			506
Windfall allowance after 10 years																		207
Demolitions																		0
Total Projected Capacity (net) **			326	756	971	1086	692	633	631	647	605	556	470	421	201	171	184	8350
Total Projected Completions (net)			298	632	837	959	621	577	557	490	406	368	324	306	140	120	130	6765
Cumulative Completions	275	502	800	1432	2269	3228	3849	4426	4983	5473	5879	6247	6571	6877	7017	7137	7267	7267
Annual Housing Target	275	275	440	440	440	440	440	570	570	570	570	570	330	330	330	330	330	7250
Housing Target (cumulative)	275	550	990	1430	1870	2310	2750	3320	3890	4460	5030	5600	5930	6260	6590	6920	7250	
No of dwellings above or below cumulative housing target	0	-48	-190	2	399	918	1099	1106	1093	1013	849	647	641	617	427	217	17	
Annual housing target taking account of past/projected completions	426	436	450	461	448	415	366	340	314	283	254	229	201	170	124	117	113	-17

### Footnotes

\*\* All suitable sites have been included to give a theoretical maximum number of dwellings that can be provided in Gedling Borough. The annual projected completions for the villages for 2013-2028 have been reduced to provide annual projections to deliver the housing target of 7,250 dwellings.



## Report to Planning Committee

**Subject:** Item for Information: Planning Policy Update

**Date:** 30<sup>th</sup> October 2013

**Author:** Planning Policy Manager

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### Purpose

To inform Committee about progress on a number of planning policy documents that are currently being prepared:-

- Local Planning Document (Issues and Options stage)
- Statement of Consultation
- Community Infrastructure Levy (Draft Charging Schedule)

Cabinet considered reports on the above at its meeting on the 12<sup>th</sup> September 2013 and these reports and decisions can be found using the following link:

<https://democracy.gedling.gov.uk/ieListDocuments.aspx?CId=127&MId=867&Ver=4>

### Local Planning Document

1. The Local Planning Document, when adopted, will work with the Aligned Core Strategy to form the statutory development plan for Gedling Borough against which planning applications will be determined. The Aligned Core Strategy sets out the broad policy direction for Gedling Borough Council and allocates strategic sites for development.
  2. The Local Planning Document will be borough-wide in coverage and will include more detailed site specific policies, allocations (of non-strategic sites) and designations for new housing, employment, retail, community facilities, recreation and open space, nature conservation and other land uses. The document will also contain detailed development management policies. The primary purpose of these is to provide the additional detailed policies required to support the implementation of the Aligned Core Strategy and the achievement of its spatial vision, help deliver specific allocations and help in the day-to-day assessment of planning applications.
  3. The first stage in the production of the Local Planning Document is the Issues and Options stage) which asks a series of questions for discussion purposes and which will inform the next stage of the document.
  4. In general terms, the Issues and Options document asks if we should continue with the current policy approach taken by Gedling Borough Replacement Local Plan (2005) or whether we should take a different approach.
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5. With regards to the non-strategic housing sites, the Issues and Options document refers to the Strategic Housing Land Availability Assessment (SHLAA). The SHLAA is an annual review of available housing land which considers sites within the Borough from a range of sources to assess whether it is suitable for housing development. It therefore identifies a 'pool' of suitable sites which could be taken forward as housing allocations in the Local Planning Document. The approach taken by the Local Planning Document is to ask consultees whether they are aware of any other implications of bringing forward these sites which we are not currently aware of. For the key settlements, we are asking consultees to comment on where a settlement should expand, in broad terms only. Specific sites would then be identified in the next stage of the Local Planning Document (based on the spatial strategy set out in the Aligned Core Strategy) to meet the Borough's housing requirement and the masterplanning work currently being undertaken will help inform our decisions on this. The Issues and Options document covers a wide range of land uses in addition to housing.
6. The Issues and Options stage of the Local Planning Document and the separate Sustainability Appraisal Scoping Report were agreed at Cabinet on 12<sup>th</sup> September 2013 for consultation. Consultation is due to commence in October (possibly 21<sup>st</sup> October) for an 8 week period. Once the consultation period commences, the relevant documents plus supporting evidence will be available from [www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/](http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/) and also at deposit points around the Borough, including local libraries.

### **Statement of Consultation**

7. It is a legal requirement for Gedling Borough to have in place a Statement of Community Involvement setting out the Council's policy for involving people in the preparation of development plans and for consulting people on planning applications. Gedling Borough adopted its first Statement of Community Involvement in October 2006 and this document has governed the public participation undertaken since then.
8. The Statement of Community Involvement is now being updated in order to reflect changes to the planning system that have been introduced since 2006. The revised document, which we are renaming the 'Statement of Consultation' was agreed at Cabinet on 12<sup>th</sup> September 2013 for consultation.
9. Radical changes to the existing Statement of Community Involvement are not being proposed but rather there is a need to update it in the light of changes to the regulations, current planning practice and to make it more user-friendly. In this context, the principles of the original 2006 version are retained. These reflect the need to:
  - Involve the public at the earliest opportunity in the preparation of planning documents;
  - To be transparent, open and accessible to all sections of the community;
  - To ensure the consultation process will allow local communities to see how ideas have evolved at various stages through effective feedback.

- 10 There are two main elements to the draft Statement. Firstly, it deals with the preparation of planning policy<sup>1</sup> and secondly, it sets out the process for people to comment on planning applications.
- 11 In terms of **planning policy preparation**, it is considered that the proposed revisions would lead to additional publicity on consultation processes over and above that set out in the existing Statement of Community Involvement. A key element to this is the reference within the draft Statement of Consultation to the preparation of an individual consultation strategy for each development plan document and supplementary planning document in preparation. This consultation strategy will be published early on in the policy preparation process and will be kept up to date on the Council's website providing more specific information on the consultation processes that will be undertaken for that document and giving real time information on progress.
- 12 The regulatory framework is now much less prescriptive about how Councils should consult with their communities. The regulations now prescribe two (rather than three) stages of public consultation including at least once early in the process and more formally at the publication stage prior to a plan being submitted. The draft Statement of Consultation includes these two consultation stages but provides for a level of community involvement above the statutory minimum set out in the regulations. Consultation documents (in both hard copy and on-line versions) will continue to be prepared as the main means of gathering people's comments for the purposes of the two required consultation stages (issues and options stage and publication stage), but there is flexibility for the Council to undertake additional consultation documents as it sees fit. In addition, the Statement of Consultation proposes the use of publicity material including leaflets, posters, and press releases but also makes reference to using social network sites which is increasingly common practice.
- 13 In terms of consultations on **planning applications**, the revisions are relatively minor and the current practice relating to publicising planning applications will continue. However, revisions are necessary in order to reflect current practice of referring interested persons to the Council's on-line systems as the best means of finding out information and progress on planning applications or alternatively to contact officers at the Civic Centre.
- 14 Whilst, the update and revisions to the Statement of Consultation would not significantly change how and when the Council will engage with the community, the document is being made available for people to comment should they wish to do so. As for the Local Planning Document, consultation is due to commence in October (possibly 21<sup>st</sup> October) for an 8 week period. Once the consultation period commences, the document will be available from [www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/](http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/) and also at deposit points around the Borough, including local libraries.

## Community Infrastructure Levy

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<sup>1</sup> Formerly known as the Local Development Framework, now the Local Plan – and comprises the suite of development plan documents such as the Aligned Core Strategy and the forthcoming Gedling Borough Local Planning Document and also supplementary planning documents.

15. The Community Infrastructure Levy is a charge levied on new buildings and extensions to buildings according to their floor area and the money raised from the development helps to pay for the infrastructure to ensure the Borough grows sustainably. The intention is for Community Infrastructure Levy and planning obligations to play complementary roles.
16. The Levy takes effect through a Charging Schedule which sets out the rate or rates of charge. The first public stage in preparing this document was the Preliminary Draft Charging Schedule and consultation took place in the autumn of 2012.
17. The Charging Schedule relies on two important pieces of evidence – infrastructure planning and a viability assessment of the impact of the proposed rate of Community Infrastructure Levy on development in the Borough Council’s area. The Infrastructure Development Plan sets out the range of infrastructure required to support the Aligned Core Strategies. The viability assessment must show that the proposed rate of Community Infrastructure Levy can be borne by most development without making the project commercially unviable.
18. Following consultation on the Preliminary Draft Charging Schedule, a Draft Charging Schedule has now been prepared and this was agreed at Cabinet on 12<sup>th</sup> September 2013 for consultation. The main area of change is the proposed change to the Community Infrastructure Levy Charging Zones which comprise:
  - the inclusion of the whole of Bestwood Village within zone 1, previously the northern section was included within zone 2;
  - Inclusion of Mapperley Plains ward within zone 2, previously it was within zone 3;
  - Inclusion of Gedling ward within zone 2, previously within zone 3; and
  - The inclusion of Teal Close wholly within zone 1, previously it was split between zones 1 and 3.
19. One further amendment to the schedule is the charging rate. The residential CIL rate has been reduced to £45 per square metre for Zone 2 and £70 per square metre for Zone 3. This, alongside realistic drafting of the Regulation 123 list, will provide a clear strategic infrastructure delivery strategy which does not threaten new development in the Borough.
20. These changes have been made in response to a review of the viability evidence and the land registry figures. It is considered that the levy schedules have been set at a realistic level and will not threaten the viability of future development.
21. One further change is the inclusion of the Regulation 123 Statement. Regulation 123 of the Community Infrastructure Regulations provides for the Borough Council to set out a list of those projects or types of infrastructure that it intends to fund through the levy. When the Community Infrastructure Levy is introduced, section 106 requirements should be scaled back to those matters that are directly related to a specific site and are not set out in the Regulation 123 list. The list includes the Gedling Access Road, and the contribution to the secondary school provision arising from the development of the Top Wighay Farm site.
22. Alongside the Local Planning Document and Statement of Consultation, consultation



will take place on the Draft Charging Schedule in October for an 8 week period. Again, the document plus all supporting evidence will be available from [www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/](http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/) and also at deposit points around the Borough, including local libraries.

23. Once consultation has taken place on the Draft Charging Schedule, it would then need to be formally submitted to the Planning Inspectorate in the spring of 2014 and the examination would then take place in the summer of 2014. Following receipt of the examiner's report the Borough Council will need to approve the final version of the Charging Schedule.

### **Recommendation**

**THAT:**

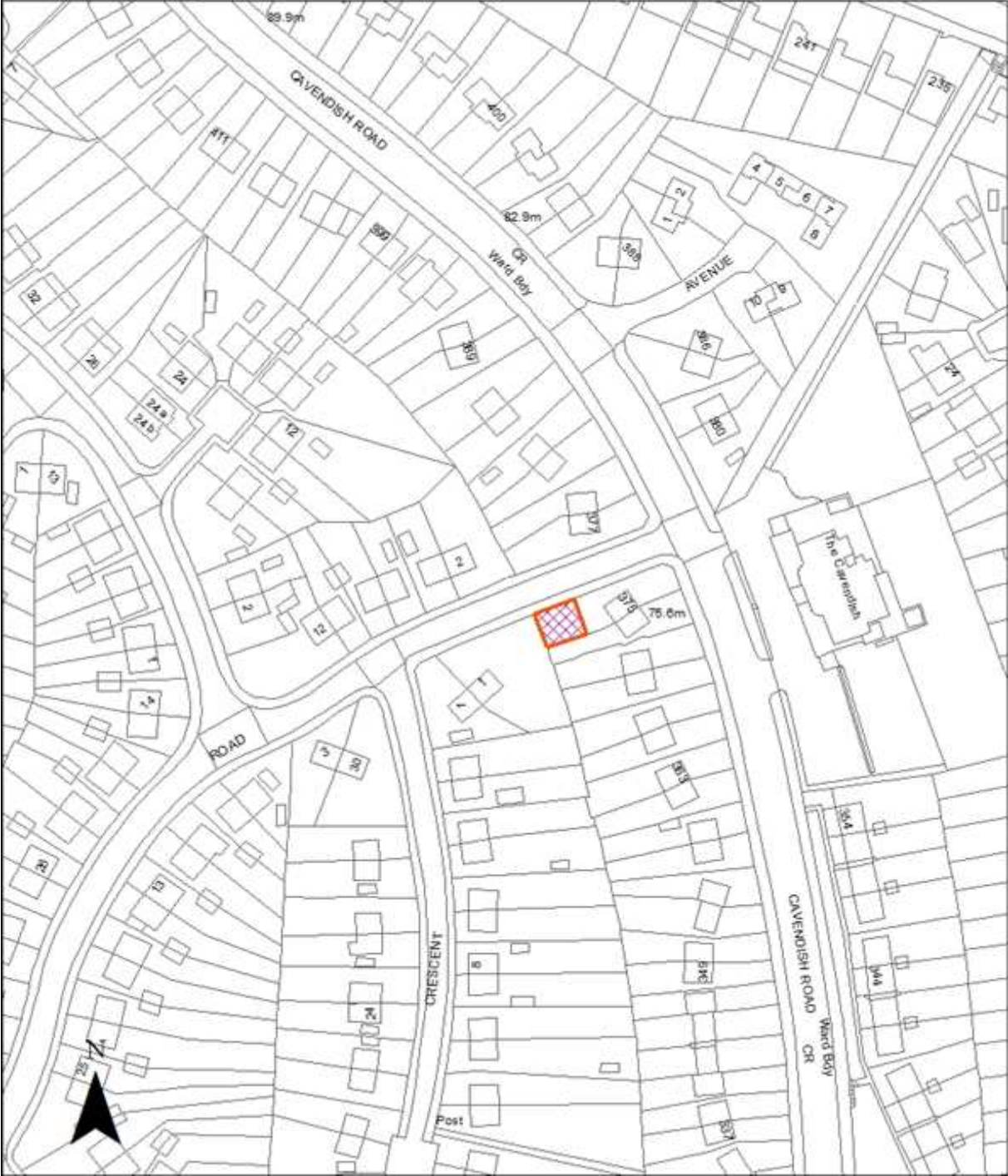
**Planning Committee notes the contents of this Report.**

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**Application Number:** 2012/1402

**Location:** 375 Cavendish Road, Carlton



**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:** 2012/1402

**Location:** 375 Cavendish Road, Carlton

**Proposal:** Removal of Condition 9 (Appn No 2010/0059) to allow use of ancillary accommodation as independent dwelling.

Planning permission for the above development was refused on 24<sup>th</sup> January, 2013 on the grounds that in the opinion of the Borough Council the removal of condition 9 would result in an over intensive development which would be out of keeping with the character of the area by virtue of its plot size, and would be severely injurious to the amenities of the adjoining property by reason of undue overlooking impacts.

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been dismissed. In reaching this decision, the Inspector concluded that the removal of condition 9 would give rise to direct overlooking which would demonstrably harm the living conditions of the occupiers of the adjoining property, but also concluded that it would not harm the character and appearance of the area.

**Recommendation:**

To note the report.



## **Report to Planning Committee**

**Application Number:** 2013/0210

**Location:** Land South of Ricket Lane, Blidworth

**Proposal:** Convert stables into permanent dwelling.

Planning permission for the above development was refused on 29<sup>th</sup> April, 2013 on the grounds that in the opinion of the Borough Council the proposed change of use of the building for residential purposes would not preserve the openness of the Green Belt, would not represent a sustainable form of development, would fail to enhance the rural setting, and would not represent good design for a new dwelling.

An appeal against this decision has been lodged with the Planning Inspectorate, and is to be determined by written representations.

### **Recommendation:**

To note the information.

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## **ACTION SHEET PLANNING DELEGATION PANEL 4th October 2013**

2013/0660

West Lodge Station Avenue Newstead

Retention of chimney for logburner to rear, amendment to rear elevation windows on approved extension and 2 no. rooflights to side roof slope of extension. Addition of 2 no. conservation rooflights to front elevation of the Lodge and restoration and erection of new roof to existing outbuilding.

The proposed development would have no significant impact upon the Listed Building, the Historic Park or the residential amenity of neighbouring properties

**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**

2013/0669

West Lodge Station Avenue Newstead

Retention of chimney for logburner to rear, amendment to rear elevation windows on approved extension and 2 no. rooflights to side roof slope of extension. Addition of 2 no. conservation rooflights to front elevation of the Lodge and restoration and erection of new roof to existing outbuilding.

The proposed development would have no significant impact upon the Listed Building, the Historic Park or the residential amenity of neighbouring properties

**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**

2013/0882

68 Sandford Road Mapperley Nottinghamshire

Proposed rear extension and replacement garage

The proposed development would have no undue impact upon the residential amenity of adjacent properties, the appearance of the area or 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**

2013/0926

19 Hopkinson Court Bestwood Village Nottingham

Two storey side extension and single storey front extension

The proposed development would have no undue impact upon the residential amenity of adjacent properties, the appearance of the area or 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**

**4th October 2013**



**ACTION SHEET PLANNING DELEGATION PANEL 11th October 2013**

2013/0866

Pioneer Accident Repair Centre 5 Manor Road Carlton

Erection of 4 dwellings following demolition of existing garage workshop buildings.

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

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

Decision to be issued following completion of paperwork.

**SS**

2013/0894

63 Woodchurch Road Arnold Nottingham

Demolition of existing garage & conservatory & erection of dwelling

**Application withdrawn from Agenda.**

2013/0895

107 Mansfield Road Papplewick Nottingham

Erect side extension, new roof over other side extension, loft conversion with dormer windows, double garage, & retain existing 1800mm high fence to front boundary with new gates.

The proposed development would have no undue impact on the residential amenity of adjacent properties, the appearance of the site & wider streetscene or the Green Belt.

**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**

2013/0898

79 Main Street Burton Joyce Nottingham

Two storey & single storey extensions to side of house.

The proposed development would have an unduly detrimental impact on 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 to be notified by standard letter following issue of decision.

**SS**

**NM**

**11th October 2013**

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## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 30 October 2013

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>
2013/0546	Land Off Teal Close	Housing and Employment	20/11/2013
2013/0836	Longdale Lane	70 Residential Units	20/11/2013
2013/0886	9 Regina Crescent	Two detached dwellings	20/11/2013
2013/1110	Bestwood Country Park	Applications to enable the siting of mobile ice cream vans	20/11/2013
2013/1113	Arnot Hill Park Arnold		
2013/1114	Recreation Ground Burton Road Gedling		
2013/1121	Recreation Ground Church Lane Arnold		
2013/1128	King George V Playing Field Arnold		
2013/1000	Land at Stockings Farm Arnold	Substitution of house types	11/12/2013

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

**Recommendation:**

To note the information.

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