



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

# Agenda

## Planning Committee

Date: **Wednesday 14 May 2014**

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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 Lynda Pearson  
Councillor Colin Powell  
Councillor Suzanne Prew-Smith

## **AGENDA**

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- 1 Apologies for Absence.**
- 2 To approve, as a correct record, the minutes of the meeting held on 25 April 2014.** 1 - 26
- Planning Committee Protocol.**
- 3 Declaration of Interests**
- 4 Application No. 2013/1518- Site Of The White Hart, Mansfield Road, Arnold, Nottinghamshire** 29 - 58
- 5 Application No. 2013/1495- Car Park, North Green, Calverton, Nottinghamshire.** 59 - 78
- 6 Application No. 2014/0177- 1 Nottingham Road, Ravenshead, Nottinghamshire, NG15 9HG** 79 - 92
- 7 Application No. 2014/0319- 7 Gorse Hill, Ravenshead, Nottinghamshire, NG15 9AF** 93 - 104
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- 10 Any other items which the Chair considers urgent.**

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## **MINUTES PLANNING COMMITTEE**

**Wednesday 23 April 2014**

Councillor John Truscott (Chair)

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

Absent:                                      Councillor Chris Barnfather and Councillor Bob Collis

Officers in Attendance:              J Cole, N Morley, L Parnell and L Sugden

### **146              APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Barnfather and Collis.

### **147              TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 02 APRIL 2014.**

#### **RESOLVED:**

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

### **148              DECLARATION OF INTERESTS**

None.

### **149              APPLICATION NO. 2013/0255- SHEEPWALK LANE, RAVENSHEAD**

Variation of Conditions to remove one window (Application No. 2010/0968).

**RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions:-**

#### **Conditions**

1. This permission relates solely to the removal of the window on the right hand side elevation as shown on drawing no.BR/SO/10/010/001 RevA and indicated by dashed lines.

### **Reasons**

1. For the avoidance of doubt.

### **Reasons for Decision**

In the opinion of the Borough Council, the proposed removal of the window would have no undue impact on neighbouring residential amenity or the locality in general. The development therefore complies with the National Planning Policy Framework (2012) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

### **Notes to Applicant**

The Borough Council has worked positively and proactively with the applicant by assessing the application in accordance with National and Local Planning Guidance, in a way that accords with paragraphs 186 and 187 of the National Planning Policy Framework.

On the 4th April 2014 an e-mail was received confirming that the air source heat pump had been relocated, the air source heat pump shown on drawing BR/SO/10/010/001 has been omitted from the scheme and no longer forms part of the proposal.

## **150 APPLICATION NO. 2013/0545- LAND OFF TEAL CLOSE, NETHERFIELD**

Outline planning application comprising residential development (up to 830 units), employment uses (Use Classes B1/B2/B8), a community hub (Use Classes A1-A5 and D1), primary school, hotel (Use Class C1), care home (Use Class C2), playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures.

Mr David Foreshaw, the applicant, spoke in support of the development.

The Development Control Manager outlined an alteration to paragraph 5 of page 79 of the Agenda, updating the report to refer to new planning guidance in relation to prematurity.

**RESOLVED that the Borough Council supports the GRANT OF OUTLINE PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as local highway and education authority for the provision of, or financial contributions towards, the Gedling Access Road, Junction Mitigation Measures, public transport, Travel Plan Monitoring, Educational Facilities, Primary Healthcare, Affordable Housing, Open Space, an Ecology Park and Air Quality Monitoring; and subject to the following conditions:**

### **Conditions**

1. Application for the approval of reserved matters shall be made to the Local planning Authority not later than five years from the date of this permission. Details of Appearance, Landscaping, Layout and Scale (hereinafter called the reserved matters) for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development within that phase begins and the development shall be carried out as approved. The development hereby permitted shall commence no later than two years from the date of approval of the last reserved matters to be approved.
2. The development shall be carried out in accordance with the Schedule of Development revision B submitted on the 10th October 2013 and the following plans; Site Location Plan DE076\_016; Parameters Plan DE076\_014 Rev B. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_002, 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.
3. No phase of development shall commence until a Phasing Schedule has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of a particular phase.
4. The development hereby approved comprises;(1) up to 830 residential dwellings; (2) up to 18,000 square metres of business use falling within use classes B1 'Business', B2 'General Industrial' and B8 'Storage and Distribution'; (3) the creation of a local centre and commercial centre of up to 2,800 square metres within use classes falling into A1 'Shop', A2 'Financial', A3

'Restaurant and café', A4 'Drinking Establishment', A5 'Hot Food Takeaway', B1 'Business' and D1 'Non-residential institutions'; (4) a Hotel providing up to 150 beds; (5) up to 500 square metres of uses falling with use classes D1 ' Non- residential institutions' and D2 'Assembly and Leisure' (additional to (3) above); (6) a one form entry primary school which shall cover a minimum of 1.1ha; (7) a C2 'Residential Institution' of up to 60 beds; and (8) general opening space including landscaping, children's play areas, allotments and playing pitches as indicated on the approved parameters plan.

5. The total B1 'Business' floor area within the business and/or local centre and commercial areas hereby approved shall comprise not more than 4,500 square metres . The local centre shall not comprise of more than 2,499 square metres floor area of A1 'Shop' or D2 'Assembly and Leisure' uses.
6. The total amount of A1 'Shop' floor space shall not exceed 1,500 square metres and no individual A1 'Shop' unit shall exceed 750 square metres (measured internally).
7. Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. B.
8. Prior to the commencement of any phase of development hereby approved a site level survey plan shall be undertaken for that phase of development showing existing site levels. This existing site level survey plan shall be submitted to and approved in writing by the Local Planning Authority.
9. Buildings comprising Less Vulnerable uses (as defined by the National Planning Policy Framework) and their associated vehicle access routes within the development hereby approved shall have finished floor levels at no lower than 20.660m Ordnance Datum (AOD) where existing levels are at or exceed that level. Where existing levels are below 20.660m Ordnance Datum (AOD), set finished floor levels shall be a minimum of 20.660m Ordnance Datum (AOD) or 600mm above existing ground levels, whichever is lower.
10. Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings and associated vehicular access



routes to the east of the A612 to 20.960 m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650 m above Ordnance Datum (AOD); and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable buildings. The scheme for each phase shall be implemented in accordance with the approved details prior to occupation of buildings within that phase.

11. Prior to the commencement of any phase of development hereby approved a scheme to provide flood resilience design for Less Vulnerable development, as defined by the National Planning Policy Framework, within that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase and subsequently maintained.
12. Prior to the occupation of any building(s) falling within use classes C3 'dwelling houses', C2 'Residential institutions', C1 'Hotels' or D1 'Non-residential institutions' , a Verification Report confirming the finished base slab and wearing course levels of that building(s) and the finished levels of internal road(s) serving that building(s) within the particular phase shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report for each phase shall also include confirmation that the approved flood resilient construction methods approved under condition 10 for More Vulnerable uses accords with the approved details.
13. Prior to the commencement of any phase of development hereby approved a scheme to provide a minimum of an 8 metre unobstructed easement from all watercourses, culverted watercourses and flood defence structures, including the Ouse Dyke (Main River) and any ordinary watercourses, within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to occupation of any buildings within that phase or any other features (i.e. playing fields) being brought into use and subsequently maintained.
14. Prior to the commencement of any phase of development hereby approved an evacuation plan for all Less Vulnerable development at risk of flooding within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any buildings within that phase and subsequently maintained.
15. No ground raising or permanent built structures shall be built within the modelled floodplain of the Ouse Dyke as shown in the

Flood Risk Assessment, November 2013, submitted as part of the outline planning application hereby approved.

16. Prior to the commencement of any phase of development hereby approved, a surface water drainage scheme for that phase of development, 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 scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase. The scheme (s) to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques; (2) The limitation of surface water run-off to equivalent greenfield rates; (3) A minimum of two forms of surface water treatment to be provided prior to discharge from the site, in accordance with CIRIA C697; (4) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (5) Responsibility for the future maintenance of drainage features.
17. Prior to the commencement of any phase of development hereby approved a scheme to dispose of foul drainage for that phase of development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme (s) shall be implemented as approved.
18. Prior to the commencement of each phase of development hereby approved a remediation strategy that addresses the provision of the following components to deal with the risks associated with contamination of that phase of the site, together with a programme for submission and prior approval of the component elements, shall each be submitted to and approved, in writing, by the local planning authority: (1) A preliminary risk assessment which has identified; (a) all previous uses (b) potential contaminants associated with those uses; and (c) a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site; (2). A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and (3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how and when they are to be undertaken. The scheme(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.

19. Prior to the commencement of each phase of development hereby approved a verification plan shall be submitted to and approved in writing by the Local Planning Authority. The verification plan shall provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) (of condition above 18) are complete and identifies any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The verification plan(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.
20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified pursuant to condition 18 above must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site until an assessment has been undertaken in accordance with the requirements set out in condition 18 and 19 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, has been submitted to and approved in writing by the Local Planning Authority. The development must then proceed in accordance with the approved details.
21. Prior to the commencement of each phase of development hereby approved, details of any lighting to be used during the construction of that particular phase of development shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that lighting will be in operation. The lighting of the construction of any approved phase of development shall be lit in accordance with the approved details.
22. Details of any lighting to be provided (other than street lighting and lighting within domestic curtilages) during the operational phase of that phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to its implementation. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that any such lighting will be in operation. The lighting of the development during its operational phase shall be carried out in accordance with the details approved.
23. If the sports pavilion to the north of the A612 is not demolished by the 30th June 2014, then in accordance with the submitted Bat

Activity Surveys at the sports pavilion off Teal Close report further bat survey work shall be undertaken and an assessment report together with any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority, prior to any demolition taking place. Any approved mitigation measures shall be carried out in accordance with the approved details. In the unlikely event that bat(s) are found during the demolition of the sports pavilion then the procedure set out in the appendix to the Bat Activity Surveys at the sports pavilion off Teal Close report (dated 24th June 2013) shall be followed.

24. Prior to the commencement of each phase of development hereby approved a Construction Environmental Management Plan (CEMP) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each CEMP shall include the following details; (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping details to be submitted as part of the reserved matters pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of that particular phase of the development so as to minimise water runoff and works pollution entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during that particular phase of construction.(4) details of traffic routes for Heavy Good Vehicular movements during the construction of that phase of development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of that phase of development ; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of that particular phase of development in relation to noise and vibration and safeguarding air quality. The approved CEMP(s) and all details therein shall be implemented in accordance with the approved details.
25. Prior to the commencement of each phase of development hereby approved a written scheme of archaeological investigation related to that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved scheme(s)
26. Prior to the commencement of any development on the existing playing pitches located to the west of the A612 (including the

demolition of the existing sports pavilion) replacement playing pitches (including associated changing room facilities) hereby approved to the east of the A612 shall have been provided and shall be operational.

27. Prior to the commencement of development of the playing pitches to be provided to the east of the A612 details of the following shall be submitted to and approved in writing by the Local Planning Authority; (1) the location and specification of the playing pitches to be provided together with details of their drainage; (2) the location and specifications of the changing room facilities to be provided; and (3) a schedule of maintenance of the playing pitches and associated drainage. The playing pitches and changing room facilities shall be provided, managed and maintained in accordance with the approved details.
28. Prior to first occupation of the development hereby approved, other than the business development to be accessed from Stoke Lane, construction details of the site access junctions from the A612 as show in outline on plan references 90372\_001 Revision E and 90372\_002 shall be submitted to and approved in writing by the Local Planning Authority. Along with the construction details to be submitted, shall also be submitted to and approved in writing by the Local Planning Authority a programme of implementation of construction details of the site access. The site access details to be submitted pursuant to plan reference 903732\_002 shall also include provision of a physical strip/central refuge fronting the proposed access to prevent vehicles from u-turning and associated signing and lining. The approved detailed access arrangements shall thereafter be implemented in accordance with the approved programme of implementation, related to the phasing of the development.
29. Prior to first occupation of the business floor space (Class B1, B2, B8) hereby approved (aside from any B1 use contained in the Local Centre) the access from Stoke Lane as shown in outline on plan reference 90372\_003 Revision B shall be provided in accordance with the construction details to be first submitted to and approved in writing by the Local Planning Authority. The business floorspace hereby approved (Class B1, B2, B8) (aside from any B1 use contained in the Local Centre) shall only be accessed via Stoke Lane, other than in an emergency.
30. Prior to first occupation of the development hereby approved a u-turn prohibition shall be implemented by means of a legal Traffic Regulation Order and appropriate signs shall be provided at the A612/Stoke Lane junction for the A612 west approach in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

31. Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing by the local planning authority in relation to the extension of the 40mph speed restrictions by amendment of the existing Traffic Regulation Order along Stoke Lane towards west of its junction with the A612 covering the site frontage. Details shall also include the location of proposed signing/lining and street lighting to accommodate the extension. The extended 40mph speed restriction area shall be provided in accordance with the approved details prior to first occupation of the development, unless otherwise agreed in writing by the local planning authority.
32. Prior to first occupation of the development hereby approved construction details of the mitigation measures at the Lowdham Roundabout as shown in outline on plan reference 90372/PSTN/003 shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the Lowdham Roundabout shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved.
33. Prior to first occupation of the development hereby approved construction details of the mitigation measures to be provided at A612 Mile End Road/Colwick Loop Road junction as shown in outline on plan reference 90372/PSTN/005 Revision A shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the junction shall be provided in accordance with the approved details prior to first occupation of the development hereby approved.
34. Prior to the first occupation of the development hereby approved construction details of the highway improvements at Colwick Loop Road/Road No.1 shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. If the highway improvements at Colwick Loop Road/Road No.1 are required to be provided pursuant to this application they shall be provided in accordance with the approved construction details prior to first occupation of the 251st residential dwelling hereby approved.
35. Prior to first occupation of the development hereby approved details of a new shared footway/cycleway shall be provided along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The shared footway/cycleway shall be provided in accordance with the approved details prior to first occupation of the development hereby approved.
36. Prior to the commencement of each phase of development hereby approved details of a local labour agreement to cover the

construction of that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

37. Prior to first occupation of the development hereby approved a travel plan coordinator(s) shall be appointed who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan Framework, and details of the appointed coordinator(s) shall be submitted to the Local Planning Authority. Travel plan co-ordinator(s) shall thereafter remain in place to perform this role on an ongoing basis, with any changes in details to be submitted to the Local Planning Authority.
38. Within 3 months of the occupation of any business (excluding businesses employing less than 20 employees who shall submit a Travel Plan Statement), the owner or occupier of each business unit shall appoint and thereafter continue to employ or engage a travel plan coordinator and within 3 months of occupation the owner or occupier shall commission a detailed travel plan that sets out the final targets with respect to the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Travel Plan Framework and in conjunction with the site-wide travel plan coordinator to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future site-wide travel plan initiatives, including implementation dates to the satisfaction of the Local Planning Authority.
39. The site-wide travel plan coordinator shall commission travel surveys and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar method to be approved after the first, third, and fifth year of full occupation and produce monitoring reports at intervals as required by the Travel Plan Framework monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority and which shall inform individual Travel Plans.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt.
3. To provide a degree of flexibility to assist the delivery of the site, that also enables the Local Authority to monitor and manage the supply of housing and employment land.
4. To define the consent and to ensure that a satisfactory form of development is obtained.
5. A limit has been placed on B1 uses in order to ensure an appropriate balance of uses. A limit has also been placed on the amount of A1 and D2 uses in order to ensure that there is no adverse impact on any surrounding local centres.
6. A limit has been placed on the amount of A1 uses to ensure that such uses are commensurate with the scale of the proposed development and would not cause harm to viability of the nearby Netherfield Centre.
7. To ensure that a satisfactory development is achieved that takes account of the Parameters Plan.
8. To establish existing site levels in order to ensure that finished floor levels accord with conditions 9 to 12 below and that flood risk is appropriately mitigated in line with the National Planning Policy Framework.
9. To reduce the risk of flooding to the proposed development and future occupants.
10. To reduce the risk of flooding to the proposed development and future occupants.
11. To reduce the impact of flooding to the proposed development.
12. To ensure that finished floor levels accord with condition 9 and 10 above and that approved flood resilient measures have been provided in order to reduce the risk of flooding to the proposed development and future occupants.
13. To allow for future maintenance, emergency access, natural morphology, and improvements of the watercourses. Please note that our records show a culverted watercourse located between the storage pond (immediately south of the A612) and the Ouse Dyke, which will require further investigation at detailed design stage.
14. To confirm that all occupants and site users can access and egress the site safely during time of flood.



15. To prevent an increase in flood risk elsewhere.
16. To prevent the increased risk of flooding elsewhere.
17. To ensure that the proposals are appropriate and protective of controlled waters.
18. The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This condition is required to ensure that the risks posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.
19. The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This condition is required to ensure that the risks posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.
20. This condition is required to ensure that the risks posed to controlled waters or the environment are investigated and remediated as necessary.
21. To minimise light spill around the development during the construction of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats.
22. To minimise light spill around the development during the operation of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats.
23. To ensure that the demolition of the sports pavilion has no adverse impact upon bats and to ensure that the development accords with paragraph 118 of the National Planning Policy Framework.
24. To ensure that appropriate measures are taken to protect the local environment in terms of impact on trees; hedgerows and woodland, flora and fauna, water quality, air quality and on the amenity of neighbouring uses.
25. To ensure that the site is surveyed appropriately to identify any potential archaeology and if found is appropriately dealt with.
26. To ensure that the replacement recreation ground is in operation prior to the existing pitches being removed, so as to protect sports facilities and ensure continuity for those sports affected by the proposed development.

27. To ensure that the required replacement playing pitches and changing room facilities are provided appropriately in order to provide satisfactory replacement facilities for those to be lost as part of the development hereby approved.
28. In the interests of highway safety.
29. In the interests of highway safety.
30. In the interests of highway safety.
31. In the interests of highway safety.
32. In the interests of highway safety.
33. In the interests of highway safety.
34. In the interests of highway safety.
35. To promote sustainable travel.
36. To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.
37. To promote sustainable travel.
38. To promote sustainable travel.
39. To promote sustainable travel.

### **Reason for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the adopted Local Plan and Emerging Aligned Core Strategy, where appropriate. In the opinion of the Borough Council the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Local Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Local Plan. Environmental information has been taken into consideration by the Borough Council in reaching this decision.

### **Notes to Applicant**

Your attention is drawn to the attached comments from Environment Agency, Trent Valley Internal Drainage Board, Nottinghamshire Police Force Architectural Liaison Officer, Nottinghamshire County Council with

regard to Highways, Archaeology and Rights of Way and the Borough Council's Public Protection Section.

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).

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

The highway improvements referred to in condition 34 above relate to those shown in outline on Morgan Tucker Plan reference JN953-NWK-SK007, which are also capable of being provided pursuant to the pending decision relating to Planning Application reference 2013/0500 which has been submitted to the Local Planning Authority. If the construction details are provided under 2013/0500, then the works referred to in condition 34 will not be required to be provided in relation to this application (2013/0546). In the event of this scenario a letter submitted as part of a discharge of condition application stating that the works have already been provided would suffice to discharge condition 34.

**151      APPLICATION    NO.    2013/    0836-    CORNWATER    FIELDS,  
RAVENSHEAD**

Residential development of up to 70 dwellings including access equipped play area and open space.

The Development Control Manager outlined a number of amendments to the report and proposed conditions.

The Development Control Manager stated that the Framework drawing, as discussed on page 129 of the agenda, was withdrawn on the 3<sup>rd</sup> of March 2014 and that the developer had agreed to provide a minimum of 30% of the units on site as bungalows.

She also provided clarification on the progress on the Local Planning Document (page 137) and provided an update to page 138 of the report following the issue of new planning guidance in relation to prematurity.

The Development Control Manager outlined the following amendments to the proposed planning conditions:

Condition 3 to be amended to read:

“The development hereby permitted shall begin no later than five years from the date of this permission, or two years from the date of approval of the last reserved matters to be approved, whichever is the later.”

Condition 4 to be deleted and replaced with:

“A minimum of 30% of the dwellings to be provided shall be provided as bungalows.”

Condition 7 (l), the word form to be deleted and replaced with from and species to be replaced with species, to read:

“Measure to remove Grey Alder from the site, as this is a non-native species.”

Condition 16 to be amended to read:

“No dwellings hereby permitted shall be occupied until a junction and pedestrian crossing have been provided as shown on drawing CRN10522 Rev A.”

Condition 18 to be amended to read, Longdale Lane, rather than Langdale Lane.

Condition 19 to be deleted as the issue is covered by conditions 11 and 12.

Condition 20 to be deleted as car parking will need to be provided at reserved matters stage, in accordance with the Council’s standards, and be assessed as part of the layout of the development.

Conditions 21, 22 and 23 to be renumbered accordingly.

Reason 4 to be amended to read:

No dwellings hereby permitted shall be occupied until a junction and pedestrian crossing have been provided as shown on drawing CRN10522 Rev A.

**RESOLVED that the Borough Council supports the GRANT OF OUTLINE PLANNING PERMISSION, subject to the following amended conditions and to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority for the provision of, or financial contributions towards:**

Provision of Public Open Space in accordance with the Council's Supplementary Planning Documents and Recreational Open Space.

Nine of the units to be affordable 2 bedroom bungalows.

Commuted sum for the provision of 12 affordable units.

Public transport.

Educational Facilities.

### **Conditions**

1. Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
2. Details of appearance, landscaping, layout, and scale, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
3. The development hereby permitted shall begin no later than five years from the date of this permission, or two years from the date of approval of the last reserved matters to be approved, whichever is the later.
4. A minimum of 30% of the dwellings to be provided shall be provided as bungalows.
5. The detailed plans and particulars to be submitted as reserved matters in relation to layout and scale shall include plans showing existing and proposed ground levels of the site, sections across the site and in relation to existing dwellings adjacent to the site and details of the finished slab level for every property. The development shall be carried out in accordance with the approved details.
6. The detailed plans and particulars to be submitted as reserved matters in relation to layout and landscaping shall demonstrate how the site layout and its landscaping have been devised to achieve the following objectives (1) meeting County Council highway design guidance, (2) providing adequate car parking provision for residents and their visitors taking into account the Borough Council's adopted car parking standards, (3) meeting the

needs of different users of the public realm, (4) discouraging anti-social behaviour and (5) creating attractive street scenes.

7. The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) a plan showing the existing trees/hedges to be retained as part of the proposed development; (b) details of any proposed topping or lopping of any tree/hedge proposed to be retained, or of any tree on land adjacent to the site; (c) details of any proposed alterations in existing ground levels and any excavation within the root protection area of any hedge/tree to be retained on site or of any tree on land adjacent to the site; (d) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree/hedge from damage before or during the course of development ;(e) proposed and existing functional services above and below ground; (f) details of the size, species, positions and density of all trees and shrubs to be planted; (g) details of the boundary treatments, including those to individual plot boundaries; (h) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors; (i) a programme of implementation; (j) details of species mixes, establishment methods and maintenance regimes, ensuring that native species appropriate to the local area are used in informal landscaping areas. Particular attention should be given to the landscape strip along the southern boundary of the site and its development as an area suitable for common lizards, to include the creation of hibernaculae; (k) a landscape management plan to guide ongoing management of landscaped/green infrastructure areas; (l) measures to remove Grey Alder from the site, as this is a non- native species. The development shall be carried out in accordance with the approved details, unless otherwise by prior agreement in writing by the Local Planning Authority.
8. The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings, and provision of bird and bat boxes within the fabric of the proposed buildings. The development shall be carried out in accordance with the approved details, unless otherwise by prior agreement in writing by the Local Planning Authority.
9. No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, proposed structural works and a proposed

programme of works. The development shall be implemented in accordance with these details.

10. No part of the development hereby permitted shall commence, including site clearance, until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no debris is discharged or carried onto the public highway.
11. No part of the development hereby permitted shall take place until drainage plans for the disposal of foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling, unless otherwise by prior agreement in writing by the Local Planning Authority.
12. No part of the development hereby permitted shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate: (a) The utilisation of holding sustainable drainage techniques; (b) The limitation of surface water run-off to equivalent greenfield rates; (c) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (d) Responsibility for the future maintenance of drainage features.
13. The fencing and any other proposed measures proposed to protect existing trees/hedges to be retained on site shall be erected in accordance with the approved details prior to the commencement of development and retained in situ until the development has been completed.
14. If within a period of five years beginning with the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the local planning authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

15. No development shall commence on any part of the application site until an archaeological scheme of treatment of the site has been submitted for the approval of the Local Planning Authority. This should preferably comprise a 'strip, map and sample' exercise whereby the topsoil is stripped under archaeological supervision and any archaeological features are identified, recorded and sampled accordingly. The scheme shall subsequently be implemented in accordance with the approved details before the development is commenced.
16. No dwellings hereby permitted shall be occupied until a junction and pedestrian crossing have been provided as shown on drawing CRN10522 Rev A.
17. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.
18. No part of the development hereby permitted shall be brought into use until a 2.0m wide footway on the southern side of the proposed access road and on Longdale Lane between the site entrance and the site's frontage boundary.
19. Prior to the commencement of development on the site, including site clearance) a biodiversity method statement shall be submitted to the Local Planning Authority, and the approved details complied with throughout implementation of the development. The method statement shall include:(a) Passive displacement of common lizards prior to development, to the open space along the southern boundary of the site offered as replacement habitat. In order for this to work, the habitat into which the reptiles are expected to be displaced will need to have been created in advance of development.(b) Details of the creation and provision of the habitat strip along the southern part of the site.(c) No ground works can take place on the site until the habitat strip along the southern part of the site has been established, and that this is subsequently protected from development. (d) boundary treatments especially along the southern edge of the development to restrict access to Trumpers Wood
20. No part of the development hereby permitted shall commence, until details of lighting scheme have been submitted to the Local



Planning Authority, which shall minimise light spill around the development during the construction as inappropriate lighting could have an adverse impact on nocturnal species such as bats. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

21. There shall be no clearance or works to trees on the site within the wildbird nesting season, unless otherwise agreed in writing by the Local Planning Authority.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
2. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
3. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
4. No dwellings hereby permitted shall be occupied until a junction and pedestrian crossing have been provided as shown on drawing CRN10522 Rev A.
5. To ensure that the positioning of dwellings in the design produced at reserved matters stage in relation to layout and scale would accord with Policy ENV1 and H7 of the of the Gedling Borough Replacement Local Plan (saved policies) 2008.
6. To ensure that the means of vehicular access into the site accords with the plan submitted as part of the outline application with means of access applied for and to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (saved policies) 2008.
7. To ensure that the landscaping of the development as proposed at reserved matters stage provides sufficient detail to ensure that the trees and hedges to be retained on site will be safeguarded in to meet the landscape principles specified within the design and access statement, and so that any future decisions relating to this outline permission are consistent with the submitted statement, and to ensure that the design of the site takes into account the recommendations made in the arboricultural statement submitted with the application, in order that the development accords with Policy ENV2 and H16 of the Gedling Borough Replacement Local Plan (saved policies) 2008.

8. To ensure that the appearance of the development as proposed at reserved matters stage has regard to the appearance of the area and makes adequate alternative provision is made for bats and nesting birds; as required by Policy ENV1 of the Gedling Borough Replacement Local Plan (saved policies) 2008.
9. To ensure that the roads of the proposed development are designed to an adoptable standard in order to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (saved policies) 2008
10. To prevent mud being deposited onto the highway during construction of the development.
11. To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution.
12. To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water management features.
13. To ensure that the trees and hedges to be retained as part of the development are protected during the construction of the development.
14. To accord with Policy ENV2 of the Gedling Borough Replacement Local Plan.
15. To ensure that any matters of archaeological interest are investigated and recorded.
16. To ensure that the means of vehicular and pedestrian access into the site accords with the plan submitted as part of the outline application with means of access applied for and to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (saved policies) 2008.
17. To ensure that the means of vehicular access into the site accords with the plan submitted as part of the outline application with means of access applied for and to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (saved policies) 2008.
18. To ensure that the means of vehicular and pedestrian access into the site accords with the plan submitted as part of the outline application with means of access applied for and to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (saved policies) 2008.

19. To ensure that there is no adverse impact on the ecology of the site and the adjoining land.
20. To ensure that there is no adverse impact on the ecology of the site and the adjoining land.
21. To ensure that there is no adverse impact on the ecology of the site and the adjoining land.

### **Reasons for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the adopted Local Plan and Emerging Aligned Core Strategy, where appropriate. In the opinion of the Borough Council the proposed development accords with the relevant policies of these frameworks and plans.

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

### **Notes to Applicant**

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

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).

The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible

Approval under Section 19 of the Nottinghamshire County Council Act 1985 is required and where new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works. If any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with Nottinghamshire County Council's current design guidance and specification for roadworks. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. and Section 38 requirements with which compliance will be needed in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved in writing by the County Council in writing before any works commence.

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

The Environment Agency would also like to see the percolation test details to confirm that they conformed to BRE365 Guidance.

The proposed development could involve building or undertaking works up to or close to, the boundary of the site. If access to neighbouring land in another ownership is required to facilitate construction you are advised to obtain permission from the owner of that land for such access before beginning your development. Planning permission does not override any private legal matters which may affect the application site, over which the Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights to light, etc.).

The Council would encourage the developers of the site to continue the community engagement already undertaken in the preparation of the reserved matters submission so that the consultation objectives specified in section 2.2 of the Statement of Community Engagement can be achieved in respect of any reserved matters submission made in respect of this outline planning permission.

**152 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**153 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

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

The Chair informed Members that a meeting of the Planning Probity Panel would take place after the European Elections and that a briefing would be arranged for Members regarding recent high court reinterpretations of the use of green belt and updates to planning policy since the last training took place.

The meeting finished at 7.00 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:** 2013/1518  
**Location:** Site Of The White Hart, Mansfield Road, Arnold, Nottinghamshire



**NOTE:**  
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.  
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## **Report to Planning Committee**

<b>Application Number:</b>	2013/1518
<b>Location:</b>	Site Of The White Hart, Mansfield Road, Arnold, Nottinghamshire
<b>Proposal:</b>	Erection of Class A1 retail foodstore with associated car parking, access and landscaping works.
<b>Applicant:</b>	Lidl UK GmbH
<b>Agent:</b>	Mr Chris Smith

### Site Description

The application site has an area of approximately 0.85 hectares and falls gently from north to south. It was formerly occupied by The White Hart Public House, which has been demolished, although the hard surfacing previously used for car parking remains in situ.

The site is located in the urban area outside Arnold District Shopping Area, as identified on the Proposals Map of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008). Vehicular access to the site is off Mansfield Road (A60) and sits within 20 metres of the signal controlled junction with Oxclose Lane.

Two-storey residential properties adjoin the site on Maidens Dale, Oxclose Lane and Home Close. Public footpaths run along the south, east and west boundaries and an informal path runs beneath a line of mature trees along the northern boundary. 11 of these trees (10 Pine and 1 Sycamore) are protected by a Tree Preservation Order. There is a post and rail fencing to the front boundary and palisade fencing to the north and south boundaries, although the site includes a grassed, unfenced area off Home Close to the rear, between a palisade fence and the hedgerow which runs alongside the footpath from Maidens Dale to Home Close. This area contains surface water sewers and a pumping station.

In addition to the residential properties, there are a number of commercial uses on Mansfield Road and Oxclose Lane in the vicinity of the site, including car retailers, offices and industrial units.

Along the Mansfield Road frontage of the site is an existing telecommunications column together with a number of radio equipment and traffic control management cabinets.

### Relevant Planning History

In December 2009, outline planning permission was refused under application no: 2009/0738 for the construction of a replacement building (and associated works) for use within classes A1 and A3 as it was considered that the applicant had failed to demonstrate that the potential level of traffic generated by the development could be satisfactorily accommodated on the adjacent highway network, which would be likely to have an adverse impact on through traffic and be a likely source of unacceptable danger to users of the highway, particularly because of the heavy volumes of traffic passing the site and the complex nature of the surrounding signal controlled junction.

In February 2010, outline planning permission was granted under application no: 2010/0051 for the demolition of the existing building (use class A4) and the construction of a replacement building and associated works of the same floor area (1,111 square metres) for food retail purposes (use classes A1 and A3). In reaching this decision, the Borough Council was mindful that planning permission would not be required for a change of use of the existing building on site to an A1 use class under the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005. Appearance, landscaping, layout and scale were all reserved matters.

In December 2010, full planning permission was granted under application no: 2010/0772 for the widening of the existing site access to create two 3 metres wide site egress lanes.

In June 2011, outline planning permission was granted under application no: 2011/0397 for the development of one or more buildings for use classes A1 and A3, with a floor area not exceeding that permitted under application no: 2010/0051 (1,111 square metres). All matters other than means of access were reserved for subsequent approval.

In June 2012, approval of reserved matters was refused under application no: 2012/0448. In the opinion of the Borough Council, the proposed development by reason of its design, height and position of proposed buildings set back in relation to the heavily trafficked A60 and lack of opportunities for effective landscaping was of a scale, form and layout which failed to take the opportunities available for improving the social and environmental conditions of the area and the way it functions.

In December 2012, full planning permission was granted under application no: 2012/1232 for an extension of time to planning permission no: 2010/0051 for the erection of a replacement building and associated works of the same floor area for food retail purposes (use classes A1 and A3). Condition 2 attached to this permission stated that:

“The final design of the proposed retail unit to be assessed in any future reserved matters application with regard to layout and scale is bound by the following parameters as set out in the design and access statement submitted as part of planning application no. 2010/0051 which stated the replacement building will not exceed the floorspace of the existing building, and the floor plan showing the gross external floor area of the existing building submitted as part of planning application no.2010/0051. The floor plan confirmed the existing external floor area to be 1,111square metres. The proposed retail unit will therefore also have an external floor area no greater than 1,111 square metres.”

In March 2013, full planning permission was granted under application no: 2012/1525 for a variation of condition 2 attached to planning permission no: 2012/1232 to allow the construction of a single building of up to 1,500 square metres (an increase of 389 square metres or 26%). A new condition was added requiring that any building over 1,111 square metres would be occupied only by uses within use class A1 and would not be subdivided into separate units for use outside class A1.

The application was supported by a Trip Generation Summary, dated December 2012, which concluded that, provided the proposed replacement development was subject to conditions which excluded uses other than class A1, the proposed 1500 square metres foodstore would result in a significant reduction in weekday traffic movements when compared with the potential development scenarios under the extant planning permissions.

In May 2013 full planning permission was granted under application no: 2013/0345 for an amendment to the previously approved access by increasing the radius at the egress from 6 metres to 7.4 metres.

### **Proposed Development**

Full planning permission is now sought for the erection of a class A1 discount retail foodstore on the site with associated car parking, access and landscaping works. The proposed foodstore would have a gross internal floorspace of 2,029 square metres.

The proposed foodstore would be sited adjacent to the southern boundary of the site and would be set back 25 metres from the Mansfield Road frontage of the site, with 6 metres deep landscaped areas provided along this frontage. Additional grassed and landscaped areas would also be provided adjacent to the rear car park.

The proposed foodstore would be rectangular in design, with a projecting canopy to the east and north sides around the entrance, and would measure approximately 70 metres by 33 metres. It would be single storey, with a mono-pitched roof ranging from 4.6 metres to 7.7 metres in height above the entrance lobby.

External finishes to the north, south and west sides would predominantly consist of white rendered walls with grey rendered piers and plinths and silver aluminium cladding panels to the upper elevations and roof. The east facing front elevation and the first part of the north elevation to the car park would also include full height, blue powder coated, aluminium framed shop front windows and doors.

A glazed trolley bay, with 8 bicycle racks, is proposed within the car park, close to the proposed foodstore entrance.

Vehicular access to the site for customers, staff and service vehicles would be taken from the existing access/egress onto Mansfield Road, which would be widened as previously approved, apart from the existing large pedestrian refuge in the centre of the junction, which would be moved slightly to the north to help accommodate HGV movements. The element of pedestrian safety afforded by this refuge would be

retained. The smaller redundant refuge within the site boundary would be removed. However, the width and corner radii of the access would be exactly the same as that approved under planning application no: 2013/0345.

A total of 117 car parking spaces are proposed to the front, side and rear of the proposed foodstore, including 3 mobility impaired and 3 parent and child spaces.

The disabled & parent & child parking spaces have been located next to the proposed trolley bay, as siting these directly to the front of the store would involve more trips across the main access route.

Four pedestrian links are also proposed to existing footpaths around the site, three of which cross a small strip of land within the Borough Council's ownership. The application has been amended to accommodate this within the site boundary.

It is proposed that the main vehicular circulatory areas would be surfaced in tarmac with the car parking spaces surfaced in anthracite block paving. Footways would be constructed in Marshalls flag stone paving. It is proposed to retain the existing surface around the protected trees along the northern boundary of the site. Proposed boundary treatments would include a new 2 metres high close boarded fence along the northern boundary to residential properties, a new 1.8 metres high grey paladin fence along the west and part of the southern boundary and a new timber knee rail with toe board along the Mansfield Road frontage and to define areas within the site.

The application is accompanied by a Design and Access Statement, Planning and Retail Statement, Arboricultural Report, Transport Assessment and Travel Plan.

Since submission, the Design and Access Statement, Transport Assessment and Travel Plan have been updated and a Highways Technical Note has been submitted to address specific design and highway issues and a number of amendments have been made to the submitted plans, primarily with regard to design, protected trees, car parking, surface and boundary treatments and pathways.

## **Consultations**

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

I have received 5 letters and emails of representation from 4 local residents in response to consultation on the proposals as originally submitted, which raise the following objections, concerns or issues to the proposed development:

1. The vehicle access from the A60 is unsuitable, as there is only, safely, a left turn in and out of the site.
2. Customers would use Home Close and Maidens Dale to the rear of the premises for parking, because they would not be able to gain easy access to the site any other way. Home Close already suffers from evasive, abusive and inconsiderate parking from people visiting Arnbrook Children's School/Centre.

3. The major concern is not having barriers on the front of the store to stop youths congregating in cars and using it as a race track.
4. The raised noise levels from the increased traffic and lorries. The noise of early morning delivery vehicles and the movement of goods into the shop would be detrimental to this residential area.
5. The fence in front of the houses on Maidens Dale is quite low, are there plans to increase the height due to the increased traffic noise?
6. The footpath which runs alongside the south elevation of the proposed building is already quite dark, being poorly lit. Once the building is erected, this will only be more overshadowed and enclosed. Will there be extra provisions for increased lighting and CCTV for this area, so that personal security is not compromised?
7. Potential litter from the shop.
8. Affordable housing is needed more than more supermarkets, to increase use of the empty shops in Arnold. ASDA, Sainsbury and B & M are already in Arnold and an Aldi is under construction.
9. The proposed development would devalue properties in the immediate vicinity.

Any additional comments in respect of the revised plans and additional information submitted will be reported verbally. Local residents have not been reconsulted on the most recent amendments to the proposed surface and boundary treatment plans and site location plan, as these only relate to minor changes concerning the pathways and landscaping.

Nottinghamshire County Council (Highway Authority) – has made the following comments at different stages:

1. Interim Comments on Original Submission

The Highway Authority highlighted that concerns have been expressed by its Accident Investigation Unit regarding the proposed site access arrangements. A copy of the Road Safety Audit Report has been provided, which identifies the following problems with regard to the road safety aspects of the proposed development:

The right turn out of the site is a significant safety concern. A right turning vehicle towards Nottingham would have to cross three northbound lanes of traffic, a central reservation and at worst a further three lanes to travel southbound. Even if the phasing of lights can be adjusted to allow additional time to exit the site this can be viewed as, at best, undesirable and at worst unsafe. Whilst it is acknowledged that this was the existing arrangement many years ago, its change in use from Public House to food retail raises the question of level of activity and times of that activity, which may be considerably different to its past history. Right turners out of this access, particularly at peak times, will be under pressure to exit. Given the difficulties,

at best this may deter usage and, at worst, places right turners in conflict with both northbound and southbound streams.

There does not appear to be an obvious solution to the above safety concern. It may be possible to alter the signal timings to beneficially effect vehicles leaving the site. However, even under these circumstances many drivers who wish to turn right will not do so and will turn left instead and then try and U-turn, possibly at the service road to the north opposite the cemetery. This is not recommended on safety grounds.

The right turn into the site is also a concern. The design appears to indicate that right turning vehicles would wait in the area between the existing refuges. This is not wide enough to store anything other than a narrow car. This is not recommended on safety grounds as most vehicles would struggle to enter any right turn lane without it being significantly widened. Any right turner would have to decide if all the ahead traffic and left turning traffic has stopped, whether the vehicles in the junction would clear the junction in time for the right turning driver to safely carry out their manoeuvre before the main road starts running again, and then may also have to compete with vehicles exiting the site wishing to turn to the south.

There does not appear to be an obvious solution to the above safety concern, even if the phasing of lights can be adjusted to allow additional time to carry out the right turn manoeuvre.

Whilst the proposed two lane exit from the development may assist left turners in terms of increasing the capacity out of the junction, if both a left and right turner are waiting to exit the site, both driver's views would be blocked by the adjacent vehicle.

It is recommended that a one lane exit should be designed.

Based on the above observations, the Safety Audit Team does not support the proposed design.

A number of other detailed comments were made by the Highway Authority's Travel Planning Team on the Travel Plan with regard to:

- Development Proposals
- Travel Plan Management
- Targets
- Measures (including Travel Awareness, Travel Database, Cycling, Public Transport Information, Car Sharing Scheme, Car Park Management and Personalised Journey Planners)
- Monitoring & Review
- Action Plan

The Highway Authority recommended that no decision is made until such time as this application has been assessed fully.

## 2. Comprehensive Comments on Original Submission

After making the above interim response, the Highway Authority commented as follows:

Having examined the TRICS database and traffic analysis in the TA, the proposed increase in gross floor area (GFA) of an A1 Class use discount food store from 1,500 square metres to 2,098 square metres of GFA would result in approximately 41% more vehicle movements during peak periods.

The Highway Authority would normally not support such an increase in traffic movements when comparing the proposed development with the last use of the site as a public house. However, having considered the trip generation analysis produced by SCP Transport Planning on behalf of the applicant, which indicates that a discount food store of 2,098 square metres of GFA would have less predicted traffic movements when compared with the approved Class A3 use (with a GFA of 1,111 square metres) being the land use as Hotel, Food and Drink category Fast Food – drive through, the Highway Authority has no objections to offer in principle to the proposed development, subject to all the highway issues highlighted below and within the interim response being addressed before approving the application.

#### *Parking*

The parking standards allow a maximum of 1 car parking space per 14 square metres of GFA of the proposed food retail development, which equates to a maximum provision of 150 car parking spaces. The Highway Authority has noted that there will be 116 car parking spaces provided on the site, which equates to 1 parking space per 18 square metres of GFA.

The Highway Authority is unable to confirm that the level of car parking spaces being provided would be adequate to prevent the site access from being obstructed by vehicles looking for a parking space. Any substandard level of parking provision may lead to road safety issues on Mansfield Road and could also result in displacement parking elsewhere on adjacent residential streets, such as Home Close.

In order to assess the parking provision fully, the applicant is advised to submit a Car Parking Accumulation Assessment by using the TRICS database.

#### *Proposed Pedestrian Links*

The existing footpath that runs between Oxclose Lane and Home Close is an adopted footpath and is being maintained by the Highway Authority. However, the verges on both sides of this footpath are not under the jurisdiction or ownership of the Highway Authority.

Whilst the Highway Authority recognises that the proposed pedestrian links would enhance pedestrian access to the site and vice versa, the applicant should seek permission from the landowner(s).

The existing footpath between Maidens Dale and Home Close is not a public



footpath. The Highway Authority has no objections to the proposed pedestrian link from the north-western corner of the proposed development to this privately maintained footpath, but would recommend that the applicant seek permission from the landowner before proceeding further.

In view of the above, the Highway Authority recommends that this application is not approved until such time as all of the highway issues have been resolved, including amendments to the proposed access arrangements in accordance with the recommendation made in the Road Safety Audit report.

### 3. Additional Information

Following submission of the amended Transport Assessment, Travel Plan and Highways Technical Note, containing the applicant's response to the Highway Authority's comments on 11<sup>th</sup> March 2014 highlighting the parking and road safety issues, and the subsequent amended plans, the Highway Authority has made the following additional comments:

You will note from the Highway Authority's previous comments, that there would be approximately 41% more vehicles movements during peak periods when increasing the gross floor area (GFA) of A1 Class use discount store from 1,500 square metres to 2,098 square metres.

The Highway Authority would normally not support such an increase in traffic movements when comparing the proposed development with the last use of the site as a public house. However, having considered the trip generation analysis produced by SCP Transport Planning on behalf of the applicant, which indicates that a discount food store of 2,098 square metres of GFA would have less predicted traffic movements when compared with the approved Class A3 use (with a GFA of 1,111 square metres) being the land use as Hotel, Food and Drink category Fast Food – drive through, the Highway Authority can make no objections in principle to the proposed development. However, the Highway Authority continues to have concerns with regard to road safety issues highlighted in Road Safety Report reference SA1785 which still need to be addressed. A copy of the report was sent to the Borough Council 20th February 2014.

With regard to the Travel Plan submitted with this application, the Highway Authority has no further comments to make.

The parking standards allow a maximum of 1 car parking space per 14 square metres of gross floor area of the proposed food retail development, which equates to a maximum provision of 150 car parking spaces. The Highway Authority has noted that there will be 117 car parking spaces provided on site, which equates to 1 parking space per 18 square metres of GFA. However, having considered the revised car parking layout submitted with this application, the Highway Authority has no further comments to make.

In summary, the Highway Authority cannot find any technical reason to object to the proposed development. However, you will note from the Highway Authority's

previous comments in relation to road safety issues regarding the proposed egress/access arrangements being a dedicated left and right turning lanes onto A60 Mansfield Road and having consulted our Accident Investigation Unit on the recent submission to address these issues, the Highway Authority continues to have concerns in relation to the proposed access arrangements, as it is likely to increase the risk of accidents due to its location being at an extremely busy and complicated junction. The applicant may wish to explore the retention of the existing access arrangement (being a single lane exit onto Mansfield Road) with minor modifications, where appropriate, which may help to address some of the road safety issues

If the Planning Authority is minded to approve this planning application, the Highway Authority would recommend the imposition of various conditions to secure, in summary:

- The marking out of individual parking spaces
- The surfacing of all access routes, parking and turning areas in a hard bound material.
- Details of the egress/access arrangements.
- Off-site works to the traffic signalled junction.
- Details of any security lighting/floodlighting.
- The provision of cycle parking facilities.
- The provision of motorcycle parking facilities.
- Travel Plan requirements.

These conditions are required in the interests of highway safety, to protect drivers from uncontrolled light sources and to promote sustainable travel.

The Highway Authority also requests that the applicant's attention is drawn to the necessary arrangements for undertaking off-site works on in the public highway and to ensure that during the construction period there will be no mud or debris transported to the adjacent roads.

Urban Design Consultant – has always expressed a view on the importance of Mansfield Road as a gateway to Arnold & Nottingham, and has sought with previous proposals to secure a frontage designed building that contributed positively to the streetscene and this prominent site. As submitted, it is considered that there are both positive & negative aspects to the current proposal:

1. Positive

The proposed building is located towards the front of the site.

The proposed car parking goes back towards the rear of the site.

The proposed building has some height to the front.

There is a distinct entrance.

2. Negative

The design has an industrial appearance & is limited in quality for this part of the urban area.

The materials reflect its industrial style.

There is no landscaping at the front of the site or within the car park to reduce the impact of the proposed hardsurfaced areas.

Overall, it is considered that the quality of the design could be improved upon, although a contemporary design is acceptable in principle.

Nottinghamshire County Council (Arboricultural Advice) – the County Council is concerned that the proposal as submitted indicates extensive construction of car parking bays and footways within the root protection zones of the mature and protected trees on the sites northern boundary, which is wholly unacceptable.

Until such a time as sufficient information has been submitted in the format of a tree protection plan and supplementary method statements as to how the installation of these hard features is to be achieved without adversely affecting tree root systems, the County Council raise objections and recommends against granting permission. The submitted design should reflect the specialist tree safeguarding advice which accompanies the application.

With regard to the revised plans and additional information which have been submitted, the County Council is now satisfied that if the proposed development is carried out in accordance with these, the concerns expressed above should be considered as dealt with.

Severn Trent Water – no objection to the proposal, so long as the development is not commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme should be implemented in accordance with the approved details before the development is first brought into use.

This is 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.

Any additional comments in respect of the revised plans and additional information submitted will be reported verbally.

Environment Agency – the application site is covered by Flood Zone 1 and is less than 1 hectare in size, so national Flood Risk Standing Advice applies. This sets out good practice to achieve sustainable surface water management.

Public Protection (Air Quality) – observes that the site is inside the Council's Air Quality Management Area (AQMA), along the A60 Mansfield Road.

Measure 7a within the Air Quality Action Plan for the AQMA requires that the

Borough Council:

“Ensure sustainable development on vacant sites within and in the vicinity of the AQMA”.

Noting that Section 124 of the NPPF requires that “...Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan”, Public Protection makes the following comments:

1. Travel Plan

In order to attempt to make the development sustainable from an air quality point of view, it is recommended that the Travel Plan also incorporates provision for:

*Green Vehicle Infrastructure*

2 no Electric Vehicle charging points for customers/staff with the cable infrastructure in place for this to be expanded to 5 spaces; to meet any future demand.

*Delivery Vehicle Emissions*

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

This could be achieved via Lidl (UK) and/or their delivery contractors becoming members of the Nottingham ECOSTars Fleet Recognition Scheme:

The ECO Stars Fleet Recognition Scheme (Efficient and Cleaner Operations) is a free, voluntary scheme designed to provide recognition, guidance and advice to operators of goods vehicles, buses and coaches, who are implementing operational best practice measures to:

- improve efficiency
- reduce fuel consumption, and
- reduce fleet emissions

ECO Stars rates individual vehicles and the fleet’s overall road transport operation using star rating criteria, to recognise levels of operational and environmental performance. The aim is to engage with all the businesses within the AQMA and those on the periphery, plus the bus companies that operate in and around the AQMA to try and get them to use delivery vehicles/buses that are as clean as possible.

2. Landscaping

Research in recent years has begun to identify how urban greening, and tree

planting in particular, might be tailored to achieve air quality goals whilst still fulfilling many of the other beneficial functions of urban green space. An urban tree air quality score (UTAQS) has been developed (by Lancaster University and the Centre for Ecology & Hydrology) which classifies trees by weighing up their ability to reduce and to exacerbate air pollution.

There is limited scope for tree planting along the A60 and so at every opportunity it is important that this UTAQS is taken into account during the design of landscaping schemes and the appropriate trees are planted to help reduce the air pollution along the A60.

With regard to the revised plans and additional information which have been submitted, Public Protection do not have any further comments, as the above points are now included in the amended Travel Plan. However, it may be helpful to condition the requirement for the electric vehicle charging points, to ensure that the Borough Council is satisfied with their location and design. Details of the relevant Code of Practice are provided.

Public Protection (Noise) – requested more information to be able to comment on the possible noise impacts on nearby residential properties from the development, which would include such things as air conditioning and refrigeration units.

With regard to the revised plans which have been submitted showing the relocation of the chiller units, Public Protection comments that this has alleviated the initial concerns over the close proximity of these units to neighbouring properties.

### **Planning Considerations**

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

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

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

In March 2014, National Planning Practice Guidance (NPPG) was published. This provides guidance on how to apply policy contained within the NPPF.

Locally, the following saved policies of the Gedling Borough Replacement Local Plan

(Certain Policies Saved 2008) are relevant to this planning application:

- Policy ENV1: Development Criteria
- Policy ENV2: Landscaping
- Policy ENV47: Tree Preservation Orders
- Policy S11: Retail Development outside Shopping Centres
- Policy T10: Highway Design and Parking Guidelines

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (hereafter referred to as the ACSSD), which it considered to be sound and ready for independent examination. Following the Examination hearings, the Borough Council has published main modifications to the ACSSD and together these documents set out Gedling Borough's latest planning policy position. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the ACSSD as proposed to be modified 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).

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

1. Climate Change
6. Role of Town and Local Centres
10. Design and Enhancing Local Identity

Relevant proposed modifications published for consultation from 17th March 2014 until 30th April includes: main modifications 2 (changes to Policy 1 Climate Change), 21 (changes to Policy 6 Role of Town and Local Centres) and 25 (changes to policy 10 Design and Enhancing Local Identity). These changes were made in response to comments made by consultees in order to address their objections.

#### Retail Planning Policy Considerations

This application is for the erection of a Class A1 food store of 2,197 square metres (gross external area). Previous planning permission has been granted to allow an A1 food store of up to 1,500 square metres (gross external area). The site is located in an out of centre location.

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

In line with paragraphs 214 and 215 of the NPPF, moderate weight should be given to Policy S11; while there are elements of the policy that are out of date (e.g. those related to need) the majority of the policy is considered to be consistent with the NPPF and up to date. The ACSSD is at an advanced stage of preparation as it is undergoing examination. The objections that are relevant to this application have been addressed by a number of proposed modifications. As such, it is not considered that the objections are significant and significant weight can be given to

the policy in determining this application.

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

Paragraphs 23 to 27 of the NPPF set out the approach to be taken when considering proposals for main town centre uses. Paragraph 24 identifies that a sequential test should be applied for out of centre proposals and that locations in or on the edge of centres should be considered first. Only if there are no suitable sites in or on the edge of town centres should out of centre sites be considered. Flexibility on issues such as format and scale should be demonstrated.

Paragraph 26 goes on to identify that proposals of 2,500 square metres (or the locally set threshold) and above should submit an impact assessment which covers:

The impact on existing, committed and planned public and private investment in centre(s) in the catchment of the proposal; and

The impact on town centre vitality and viability, including local consumer choice. Paragraph 27 identifies that that applications which fail the sequential test or are likely to have significant adverse impact should be refused.

Policy S11 of the RLP adopts a similar approach in that it requires a sequential approach which prefers town centre followed by edge of centre sites (clause b) and requires that the proposal, either by itself or together with other shopping development, does not cause demonstrable harm to the vitality or viability of shopping centres (clause c). S11 also includes consideration of Need, which is no longer a test within the NPPF, but is part of understanding the sequential test.

The ACSSD also seeks to protect town centres and adopts the sequential approach. Policy 6.6 sets out that vitality and viability will be maintained and enhanced while Policy 6.7 identifies that only if no suitable sites exist in or on the edge of centres should out of centre locations be considered. Policy 6.7 also requires that proposals for edge or out of centre sites should show how the development would not have a severe adverse impact on any centre.

Overall it is clear that proposals have to demonstrate that:

Having regard to the need for flexibility there are no suitable in or edge of centre sites; and

The proposal is unlikely to have significant adverse impacts on the vitality and viability of nearby town centres.

The key planning tests in relation to the principle of the proposed development therefore are whether the applicant has demonstrated compliance with the sequential test and whether the proposal is likely to have a significant adverse impact on the vitality and viability of nearby centres when compared to the previous permission. Each test will be considered in turn below.

## 1. Sequential Assessment

Information regarding the sequential test is contained within Section 5 of the Retail Planning Statement submitted by the applicant. Appendix 1 of the Statement sets out the identified catchment of the store, which has been defined using a 5 minute off-peak drive time. The applicant has focussed their search on sites in or on the edge of Arnold Town Centre capable of accommodating a store of 1,750 square metres to 2,500 square metres.

It is considered that the catchment is appropriate and that Arnold Town Centre is the correct centre to search for sequentially better alternative sites. It is also considered that searching for a site of 1,750 square metres to 2,500 square metres is appropriate as it takes due regard of the need to consider flexibility in terms of scale.

The applicant does not consider that there is the possibility of disaggregating the store (such as into convenience and comparison elements) and referred to two planning appeals where this has been confirmed. While it has not been possible to find these two appeals and it is understood that they relate to cases from 2005 and 2006, given that comparison goods will only make up a maximum of 10% of the sales floor area, I agree with the applicant that there is no scope for disaggregation.

Paragraph 5.15 of the Statement identifies that a number of units were identified as being available. These, however, were typically of 100 square metres in size and not suitable for the proposal. The applicant also considered the possibility of developing a number of units, but suitable stores were in active use and, therefore, not available.

Overall, the applicant has not identified any suitable or available alternative site within or on the edge of Arnold Town Centre. I agree with this assessment and consider that the applicant has demonstrated due regard to the need for flexibility and disaggregation. I consider, therefore, that the applicant has demonstrated compliance with the sequential test.

## 2. Impact Assessment

Information regarding the Impact Assessment for the proposal is set out in Section 6 of the Retail Planning Statement submitted by the applicant. The applicant has not provided a full Impact Assessment, as the proposed store is below the 2,500 square metres threshold identified in paragraph 26 of the NPPF and there is no locally set threshold. While it is accepted that no formal impact assessment is required, consideration still needs to be given to the likely impacts of the proposal on the vitality and viability of Arnold Town Centre in comparison to the previous permitted scheme and whether these impacts are 'significant' in terms of paragraph 27 of the NPPF.

The turnover of the store would increase from £2.9 million to £4.25 million, a difference of £1.35 million. The formal impact assessment carried out in relation to the proposed A1 store at Daybrook Laundry (2012/1373) took account of the permitted scheme at the White Hart site. The assessment for Daybrook Laundry



assumed that the site would have a turnover of £2.6 million. While this was based on different assumptions regarding the gross/net split and sales density and also on a smaller gross external floor area (as the assessment was based on the situation prior to the application to increase the floorspace to 1,500 square metres being granted), it does allow comparison of the additional impact that the extra floor space would bring.

The outcome of the previous assessment was that the proposed store at Daybrook Laundry along with the other commitments in the area, including the smaller store at the White Hart, would draw about 4.9% of the existing in centre convenience trade away from Arnold Town Centre. The current proposal for a larger store at the White Hart would likely draw further trade away from Arnold Town Centre. Some of the additional trade that would be diverted to the White Hart site would, however, come from the existing out of centre convenience stores in the area (notably the Sainsbury's on Sir John Robinson Way and the proposed Aldi store at Daybrook Laundry), as stores which sell comparable goods will compete with each other. It is considered likely that the overall impact on Arnold Town Centre would remain below 10%.

Overall it is considered that, while there would be some impact on the vitality and viability of Arnold Town Centre, the additional floor space proposed does not result in an adverse impact sufficient to be considered as 'significant' in terms of paragraph 27 of the NPPF.

In conclusion, it is considered that the applicant has demonstrated compliance with the sequential test and that the additional floor space proposed does not result in an adverse impact sufficient to be considered as 'significant' in terms of paragraph 27 of the NPPF.

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

### Highway Safety Considerations

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

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

Policy T10 of the RLP refers to highway design and parking guidelines and states, amongst other things, that developers will not be required to provide more parking spaces than they consider necessary unless failure to provide enough off-street

parking would harm road safety or prejudice the flow and management of traffic on nearby streets. In addition, Policy T10 requires that special attention will be paid to providing parking spaces reserved for disabled people in all non-residential development.

Whilst it is appreciated that the Highway Authority would not normally support the increase in traffic movements when comparing the proposed development with the last use of the site as a public house, I note that the Highway Authority makes no objections in principle based on the submitted trip generation analysis, which compares the previously approved Class A3 use with the current proposal. This indicates that a discount foodstore of the size now proposed would have less predicted traffic movements in comparison to the approved Class A3 use with a smaller gross floor area.

I am mindful that the Highway Authority continues to have concerns with regard to the road safety issues highlighted in the Road Safety Report, particularly the unresolved issues regarding the proposed alterations to the site egress/access arrangements. Notwithstanding this, however, the Highway Authority states that it cannot find any technical reason to object to the proposed development.

I also note that the Highway Authority has no objections to the amended parking arrangements and Travel Plan.

If Members are minded to support my recommendation, I consider it would be appropriate to impose the conditions suggested by the Highway Authority, with the exception of a condition requiring details of any illuminated shop signage. Such a condition is unnecessary, as these details would need to be the subject of a separate application for Advertisement Consent, on which the Highway Authority would be consulted.

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

### Design Considerations

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

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

Policy 10 of the ACSSD requires all new development to be designed to a high standard and to make a positive contribution to the public realm and sense of place and sets out in detail how this should be assessed. The most relevant design elements in this instance include the orientation and positioning of buildings; massing scale and proportion; and materials, architectural style and detailing.

Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, over the lifetime of the development, and are visually attractive as a result of good architecture and appropriate landscaping.

I note the comments of the Urban Design Consultant and consider that the proposed foodstore has been sited and designed so as to create a positive presence on the Mansfield Road frontage of this prominent site, with car parking to the side and rear of the proposed foodstore and an active frontage. This contrasts favourably with the proposals which were previously refused under Approval of Reserved Matters application no: 2012/0448, which were set further back within the site, with lower roof heights and with relatively narrow elevations facing Mansfield Road.

In terms of layout, I also note that the proposed development falls within the siting parameters set by planning permission no: 2012/1525 and has been amended to provide more landscaping and less car parking on the site frontage, which contributes to the streetscene and reduces the impact of the proposed hardsurfaced areas.

The amendments to the proposed layout have included the provision of car parking on the scrub land to the rear of the site, which was not previously intended to be developed. In my opinion, this will improve the overall appearance of the area.

I am also satisfied that the materials proposed are acceptable for a contemporary designed building of this type.

With regard to designing out crime, the orientation of the proposed foodstore would maximise views over the site and encourage activity and surveillance over the customer car park. Stainless steel bollards are proposed along the eastern frontage of the building and around the store entrance foyer to visually discourage crime, and a roller shutter door is proposed to the service area to deter theft. There would be a 16 no. camera, high specification, CCTV system, covering both internal and external areas and new boundary treatments are proposed to encourage a sense of security.

This will help to reduce opportunities for crime and the fear of crime, disorder and anti-social behaviour in accordance with the aims of Policy 10 of the ACSSD and Section 17 of the Crime and Disorder Act 1998.

As such, the proposed development would accord with the aims of Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section 7 of the NPPF.

#### Arboricultural & Landscape Considerations

The relevant planning policies which need to be considered in relation to the protected trees within the site are set out in Policies ENV2 and ENV47 of the RLP.

Policy ENV2 of the RLP states, amongst other things, that where landscaping is required as part of new development it should complement the facilities on the site, retain and enhance established features and reflect the character of the surrounding

townscape.

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

In my opinion, the additional space for landscaping, which is now indicated along the Mansfield Road frontage, would not only improve the visual appearance of the proposed development within the streetscene and reduce the impact of the existing telecommunications and traffic control management equipment, but would also contribute towards improving air quality.

I note that County Council is satisfied that the proposed development, as amended, with safeguard the protected trees along the northern boundary of the site.

I consider, therefore, that the proposed development would accord with Policies ENV2 and ENV47 of the RLP.

#### Amenity Considerations

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

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

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

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

Whilst there would be an increased amount of traffic activity generated in the area, this would be primarily on Mansfield Road and Oxclose Lane, which are already heavily trafficked. I am satisfied, therefore, that the proposed use would not have any significantly greater adverse impact on nearby properties due to the level of activities on the site or the level of traffic generated.

I appreciate the concerns of residents with regard to the potential for customers to use Home Close and Maidens Dale to the rear of the premises for on-street parking, but note that this is already an issue due to the presence of the Arnbrook School/Centre. In my opinion, it is inevitable as a consequence of the well-established footpath system around the site that an element of on-street parking in

the vicinity is likely to arise, whatever type of development is constructed on the site.

I note that public protection has no objections on noise grounds, following the relocation of the proposed chiller units to the rear elevation of the proposed foodstore, and has raised no concerns with regard to potential noise from delivery vehicles and the movement of goods.

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

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

### Sustainability Considerations

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

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided they include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles, with particular regard to the needs of disabled people, cyclists, pedestrians and people with young children.

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

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

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

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

With regard to accessibility, the proposed food store is located on a primary travel route, which is served by well-established public transport routes and pedestrian routes. The proposed surface level car park includes 3 disabled spaces and 3 parent and child spaces, located close to the entrance of the proposed foodstore, as well as provision for cycle parking.

The Design and Access Statement states that the area is well served by public transport, with the nearest bus stops situated on both sides of Mansfield Road and Oxclose Lane within a short walk from the proposed foodstore entrance, with services running to and from Nottingham City Centre on a frequent basis.

With regard to reducing carbon dioxide emissions, I note that the amended Travel Plan now incorporates the provision of two electric vehicle charging points within the site to encourage the use of such vehicles, and greater scope for landscaping along the Mansfield Road frontage, which can include species of trees with a greater ability to reduce air pollution.

Whilst details of the proposed means of surface water drainage would be reserved by condition, the Environment Agency has provided advice on good surface water management good practice principles and standards.

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

### Other Issues

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

The potential unauthorised use of the car park is a separate management issue, although I note that stainless steel bollards are to be provided along the shopfront windows.

A new 2 metres high close boarded fence is proposed along the northern boundary of the site to adjacent residential properties on Maidens Dale.

It is proposed to install a 16 no. camera, high specification, CCTV system, covering both internal and external areas. Although there are no proposals for increased lighting along the footpath between Home Close and Oxclose Lane, there would be additional lighting around the proposed building and car park, if planning permission is granted.

The potential for litter is a separate management issue, and can be controlled under other legislation.

The potential devaluation of nearby properties is not a material planning consideration.

### Conclusion

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

With regard to economic development, the applicant is willing to enter into a Local Labour Agreement with Borough Council.

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

**Recommendation:**

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

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be constructed in accordance with the following approved plans: External Plant Details, received on 7th February 2014; Proposed Ground Floor Plan (P103 Rev G), Proposed Roof Plan (P104 Rev E and Proposed Elevations (P105 Rev F), received on 31st March 2014; Proposed Surface Treatment Plan (P108 Rev E) and Proposed Site Plan (P102 Rev J), received on 25th April 2014; and Proposed Boundary Treatment (P106 Rev I), received on 29th April 2014.
3. Before development is commenced there shall be submitted to and approved by the Borough Council cross sections through the site showing the relative levels of the proposed development in relation to existing levels and adjoining development. The development shall be constructed in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of disposal of surface water and foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use, unless otherwise prior agreed in writing by the Borough Council.
5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the design and location of the two proposed electric vehicle charging points. The charging points shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development,

unless otherwise prior agreed in writing by the Borough Council,

6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of spaces for motor cycle parking. No part of the development hereby permitted shall be brought into use until the approved motor cycle parking has been provided and that area shall not thereafter be used for any purpose other than the parking of motor cycles for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of all external lighting, including levels of illumination and a lux plot of the estimated luminance, to be provided on the proposed building or elsewhere within the site. Any security lighting/floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The external lighting shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
8. Before development is commenced, including site preparation, there shall be submitted to and approved in writing by the Borough Council details of a scheme for the protection of existing trees to be retained. The scheme shall be implemented in accordance with the approved details before development is commenced and shall be retained until all construction works have been completed.
9. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted, and including where appropriate details of existing trees to be felled and retained, and a method statement detailing how the land beneath the protected trees along the northern boundary of the site will be managed and maintained. The land shall be managed and maintained in accordance with the approved details for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
10. Prior to the commencement of the development hereby approved, details of a Local Labour Agreement shall be submitted to and approved in writing by the Borough Council. The Local Labour Agreement shall demonstrate how the applicant will work with the Borough Council and local employment training agencies to develop a training plan. The training plan will demonstrate the developers commitment to address local employment issues and targets will be set within the plan accordingly, with agreement between the applicant and Gedling Borough Council. This shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.



11. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Borough Council, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.
12. Before the development hereby permitted is first brought into use, the individual parking spaces shall be clearly marked out on site in accordance with the approved plan. The parking spaces shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
13. No part of the development hereby permitted shall be brought into use until all access routes, parking and turning areas are surfaced in a hard bound material (not loose gravel). The surfaced access routes, parking and turning areas shall then be maintained in such hard bound material for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
14. No part of the development hereby permitted shall be brought into use until egress/access arrangements, including the provision of tactile paving crossing points where appropriate, have been provided in accordance with details to be first submitted to and approved in writing by the Borough Council. The approved egress/access arrangements shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
15. No part of the development hereby permitted shall be brought into use until off site works to the nearby traffic signalled junction have been completed and the County Council as Highway Authority has notified the Borough Council of this in writing.
16. No part of the development hereby permitted shall be brought into use until the cycle parking has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
17. The proposed means of enclosure and surfacing shall be implemented before the development hereby permitted is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
18. The approved landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.

19. The development shall not be occupied or be brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan to be approved and whose details shall be provided and continue to be provided thereafter to the Borough Council.
20. The Travel Plan Coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM), or similar to be approved in writing by the Local Planning Authority, in accordance with the Travel Plan monitoring periods to be agreed. The monitoring reports submitted to the Borough Council shall summarise the data collected over the monitoring period that shall have categorised trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates to be approved in writing by the Borough Council.
21. The Travel Plan Coordinator shall within 3 months of occupation of the development hereby permitted produce or procure a full travel plan that sets out final targets with respect to the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved in writing by the Borough Council. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives, including implementation dates, to the satisfaction of the Borough Council.
22. The proposed foodstore shall: (i) only be occupied for uses within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987, as amended; (ii) be used for the purposes of sale of convenience goods and not more than 15% of the [net sales] floor space of the unit [1,294 square metres] shall at any time be used for the display and sale of comparison goods, unless otherwise approved in writing by the Borough Council; and (iii) not be subdivided into separate units, unless otherwise approved in writing by the Borough Council.

## **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. To ensure a satisfactory development in accordance with the aims of Sections

- 10 and 11 of the National Planning Policy Framework and Policy 1 of the Aligned Core Strategy Submitted Documents.
5. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
  6. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
  7. To protect drivers from uncontrolled light sources near the public highway and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
  8. In the interests of visual amenity in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
  9. To ensure a satisfactory development in accordance with the aims of Policy ENV2 of the Replacement Local Plan 2005 (Certain Policies Saved 2008).
  10. To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.
  11. To ensure a satisfactory development in accordance with the aims of Policy ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
  12. In the interests of highway safety.
  13. In the interests of highway safety.
  14. In the interests of highway safety.
  15. In the interests of highway safety.
  16. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
  17. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
  18. To ensure a satisfactory development in accordance with the aims of Policy ENV2 of the Replacement Local Plan 2005 (Certain Policies Saved 2008).
  19. To promote sustainable transport, in accordance with the aims of Section 4 of

the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.

20. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
21. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
22. To ensure the development does not go beyond the scope of the detail submitted as part of this application, which assesses the potential trading impact associated with a store with that scale of net sales floorspace.

### **Reasons for Decision**

In the opinion of the Borough Council it has been demonstrated that there is no suitable or available site within or on the edge of a town centre and that the proposed development would not be likely to have a significant impact on the vitality or viability of a town centre or on investment in a centre. Additionally, the redevelopment of the site and economic benefits that would result from the proposal has been given significant weight in the decision. The proposed development would have no significant adverse impact on highway safety, the streetscene, protected trees or residential amenity. The proposed development meets with the fundamental aims of the National Planning Policy Framework and Policies ENV1, ENV2, ENV47, S11 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008). It also accords with the aims of Policies 1, 6, and 10 of the Gedling Borough Aligned Core Strategy Submission Documents.

### **Notes to Applicant**

Your attention is drawn to the attached comments from Nottinghamshire County Council as Highway Authority, the Environment Agency, Severn Trent Water and the Borough Council's Public Protection Section.

Some elements of the proposed works are on land within the ownership of the Borough Council. In order to undertake these works you will need to enter into an appropriate agreement with the Borough Council.

As part of the proposed development you will be undertaking work on Severn Trent Water operational land and you are advised to liaise with Severn Trent Water before undertaking such works.

In order to carry out the off-site works (access/exit to the site and works on nearby traffic signalled junction and provision of tactile paving crossing etc), you will be undertaking work in the public highway which is the 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 these works you will need to enter into an agreement under Section 278 of the Act.

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

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).

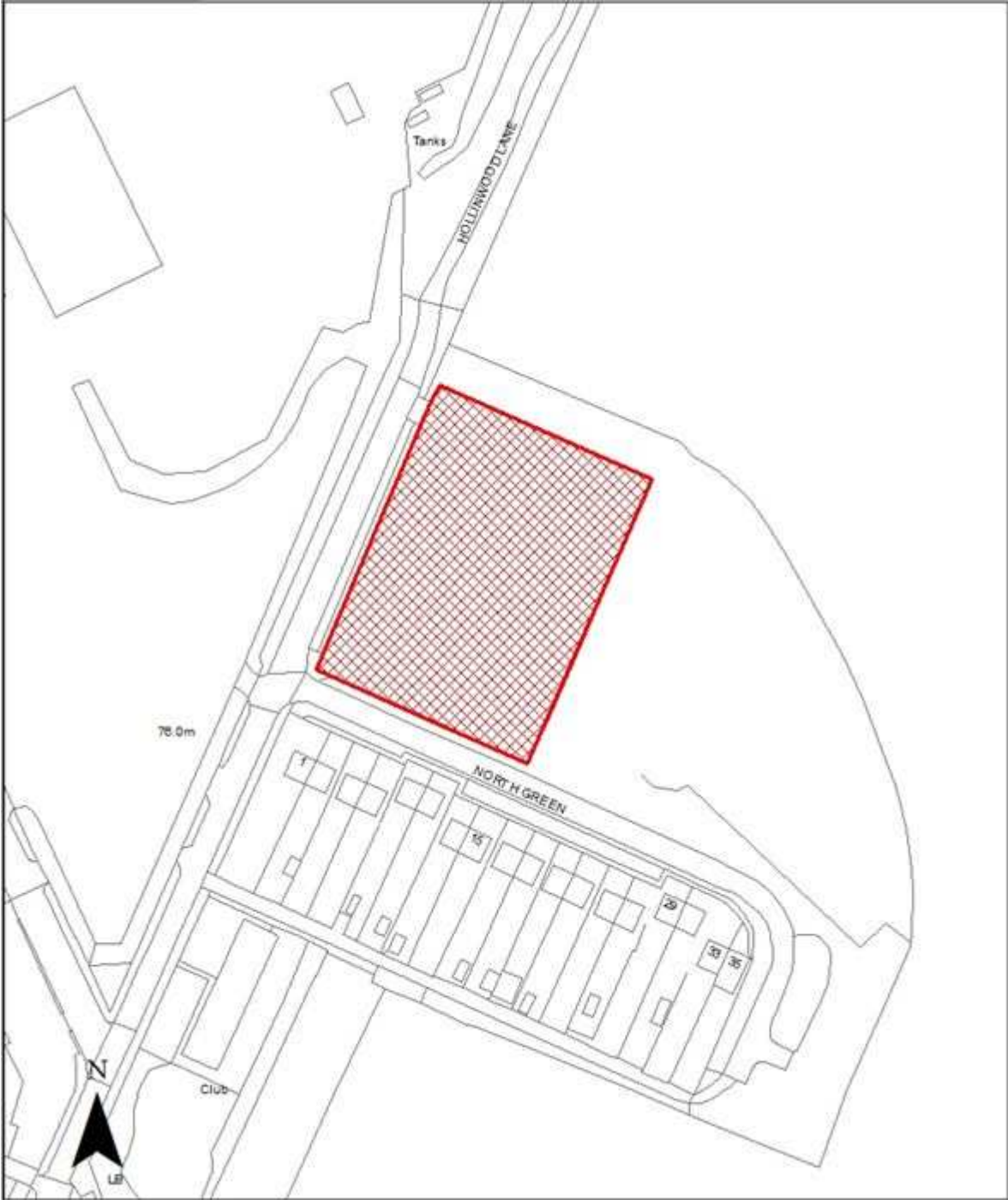
The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the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

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**Application Number:** 2013/1495

**Location:** Car Park, North Green, Calverton, Nottinghamshire



**NOTE:**  
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.  
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## **Report to Planning Committee**

<b>Application Number:</b>	2013/1495
<b>Location:</b>	Car Park, North Green, Calverton, Nottinghamshire.
<b>Proposal:</b>	Up to 21 Single storey bungalows suitable for the elderly (Outline Planning Permission).
<b>Applicant:</b>	Mr R Tuxford
<b>Agent:</b>	Miss Paula Money

### **Site Description**

The application site relates to an area of hardstanding formerly in use as a car park associated with the former Colliery on the corner of Hollinwood Lane and North Green within the Nottinghamshire Green Belt. The application site is a rectangular plot with the width fronting North Green of 65 metres and a depth of the site 85 metres. The site area therefore equates to approximately 0.48 Ha. North Green is to the south of the application site with residential properties sited on the opposite side of the highway. Hollinwood Lane is an adopted highway which then becomes a byway adjacent to the west side boundary of the application site. To the west of the Byway is the boundary to the Calverton Colliery Redevelopment Site (as identified on the Proposals Map of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008)), developed for employment uses and a household waste recycling centre. The west boundary is defined by a wide border consisting of metal railed fencing and vegetation with panelled fencing behind. Agricultural land lies to the north and east of the site. The north, east and south boundaries of the application site are defined by a mixture of trees and mature vegetation.

### **Relevant Planning History**

Planning history shows that the site has had a number of temporary planning permissions to use the car park for portable site offices and storage facilities since 2006 (ref: 2006/0978, 2007/0386, 2008/0335, 2009/0292, and 2010/0242).

### **Proposed Development**

Outline planning permission is sought for the development of up to 21 single-storey bungalows with all matters reserved. The bungalows would be designed to be suitable for the elderly. Indicative details on the layout and access have been submitted with the application.

Further details have been submitted by the agent setting the maximum parameters



for the residential units as:

- 6 metres height,
- 10 metres width,
- 10 metres depth.

The following additional information has been submitted in support of the application;

- Design and Access Statement;
- Arboricultural Implications Assessment and Method Statement;
- Phase 1 Geo-Environmental Assessment Report;
- Drainage Feasibility Report;
- Landscape Appraisal;
- Planning Statement including a draft Section 106 Agreement and supporting statements and planning considerations;
- Sustainability Statement.

The very special circumstances put forward by the agent are as follows: -

- Assisting the Council in meeting the 5 year housing land supply;
- Addressing the need for elderly persons' accommodation;
- Addressing the need for affordable housing suitable for the elderly;
- Reusing derelict land; and
- Landscape and visual improvements through the development of the site.

### **Consultations**

Calverton Parish Council – Object to the application on the grounds that the site is within the Green Belt and Gedling Borough Council have an adequate 5 year supply of housing land.

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

- The application site is in the Green Belt which is not meant for development unless there are exceptional circumstances. The application does not offer exceptional circumstances.
- The development of land in Calverton is under review and the result of the review has not been finalised.
- The application site would not be suitable for the elderly given the distances to local amenities.
- The development would be insular and not beneficial to the mental health of elderly residents.

### **Planning Policy** –

This is a proposal for 21 single storey bungalows for the elderly on Green Belt land located at North Green, Calverton which is identified as a key settlement for growth in the emerging Aligned Core Strategy. The site is currently in use as a car park and planning history shows that since 2006 the site had temporary planning permissions to use the existing car park for portable site offices and storage facilities (2006/0978,

2007/0386, 2008/0335, 2009/0292 and 2010/0242).

The site is located within the Nottinghamshire Green Belt and falls within the Aquifer Protection zone as identified on the Proposals Map of the Gedling Borough Replacement Local Plan (2005). The site also falls within the Policy Zone S PZ 17 Calverton North Village Farmlands as identified in the Greater Nottingham Landscape Character Assessment (2009).

#### List of Policies and background information

National Planning Policy Framework (2012):-

- 6. Delivering a wide choice of high quality homes (paragraphs 47-55)
- 7. Requiring good design (paragraphs 56-68)
- 8. Promoting healthy communities (paragraphs 69-78)
- 9. Protecting Green Belt land (paragraphs 79-92)
- 11. Conserving and enhancing the natural environment (paragraphs 109-125)

Gedling Borough Replacement Local Plan (2005) (Saved Policies 2008):-

- Policy ENV1: Development Criteria
- Policy ENV3: Development on Contaminated Land
- Policy ENV26: Control Over Development in the Green Belt
- Policy ENV42: Aquifer Protection
- Policy H13: Residential Homes
- Policy T10: Highway Design and Parking Guidelines

On 13 February 2013, Gedling Borough Council 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 are relevant:-

- Policy 2 The Spatial Strategy
- Policy 3: The Green Belt
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

Objections to Policy 2 relate to the overall housing target and to the principle and level of development proposed at Calverton. These objections are considered significant and, therefore, Policy 2 should be given limited weight. In terms of Policy 8, objections to the affordable housing references in the policy were made regarding viability. While these are considered significant the Affordable Housing SPD is based on a viability assessment and the requirement can be considered on a site by site basis if there is site specific information provided.

The site is identified in Gedling Borough's 2013 SHLAA and assessed as may be suitable subject to policy change.

### Key Issues

The main planning policy considerations in the determination of this application are whether the proposal is premature to the emerging Aligned Core Strategy, whether the proposal is appropriate development in Green Belt and if not whether there are any very special circumstances which would outweigh the harm to the Green Belt.

### Prematurity

The National Planning Practice Guidance identifies that the circumstances when planning applications may be refused due to prematurity will be limited. The guidance identifies that prematurity may be an issue when:

- the application is so substantial or its cumulative impact would be so significant that it would predetermine decisions about the scale, location or phasing of new development; and
- the Local Plan is at an advance stage but has not yet been adopted.

While the Aligned Core Strategy has been submitted for independent examination, this site is of a size which is not addressed by the Aligned Core Strategy. The allocation of sites of this size will come through the Local Planning Document. The Local Planning Document is under preparation and an Issues and Options document prepared which indicates the site may be suitable as a potential housing site. This Local Planning Document Issues and Options document was subject to consultation in October 2012 but as this Local Planning Document is at an early stage of preparation no weight can be attached to it. Planning Policy therefore consider that as both criterion (set out in the above paragraph) have not been met it is considered that refusal on the grounds of prematurity is not possible in this case.

### Five Year Land Supply

The Five Year Housing Land Supply Assessment (March 2012) identifies that there is only a 3.23 year supply of deliverable housing sites within the Borough.

Paragraph 49 of the NPPF sets out that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites relevant policies for the supply of housing should be considered out-of-date. Recent appeals (notably the Binfield decision ref 2179560) have indicated that this would include policies which restrict or direct residential development.

### Green Belt

The site is located within the Nottinghamshire Green Belt. Policy 3 of the Aligned Core Strategy states that the principle of the Nottingham Derby Green Belt will be retained. Policy ENV26 of the Replacement Local Plan and paragraph 87 of the National Planning Policy Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the National Planning Policy Framework states that construction of new buildings is inappropriate in Green Belt, one of the exceptions to this are:-

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

While the proposal is to redevelop on a previously developed site (car park of Calverton Colliery), the applicant would need to justify the redevelopment of a previously developed site which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing use. Planning history shows that since 2006 the site had temporary planning permissions to use the existing car park for portable site offices and storage facilities. The planning report for the previous permission (2010/0242) states “Having regard to the above policy the proposal is contrary to its aims and should be refused planning permission. However I note that several temporary grants of planning permission have been granted on the site. These have been granted with consideration given to the temporary nature of the proposal”.

Planning Policy consider that this proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing use. The applicant would therefore need to demonstrate that there are very special circumstances which outweigh the harm to the Green Belt in accordance with ENV26 of the Replacement Local Plan and paragraphs 87-89 of the NPPF. The Thundersley decision (ref 2177157) and the recent Ministerial Statement (1<sup>st</sup> July 2013) highlight that the demand for housing would on its own not be sufficient to outweigh harm to the Green Belt. The Government’s clear position is that Green Belt release should be through Local Plans unless there are additional very special circumstances.

The applicant has identified the contribution to the five year land supply and the need for ‘retirement’ properties in Calverton as very special circumstances.

Overall, the harm to the Green Belt in terms of the five purposes of Green Belt should be identified and whether the identified ‘very special circumstances’ outweigh this harm and any other harm should be considered. It is noted, however, that in the Thundersley case a 0.7 year supply of houses was not considered sufficient to outweigh the harm to the Green Belt that was considered to be a “*relatively small, isolated pocket of undeveloped land, surrounded by urban structures and uses*” (SoS Letter paragraph 11).

Policy 8 of the Aligned Core Strategy refers to housing size, mix and choice. Consideration should be given to the needs and demands of the elderly as part of overall housing mix, in particular in areas where there is a significant degree of under occupation and an ageing population. According to the Relationship between Household Size and Dwelling Size in Future Housing Provision (2010) document, the areas of under-occupancy tend to be located outside of Nottingham and are

characterised by average or above average house size, higher levels of affluence and older households (55+). The document identifies three main areas within the Borough where there is significant under-occupation and they are Ravenshead/Newstead/Linby/Papplewick area, Woodborough and Burton Joyce/Stoke Bardolph area. These areas are also characterised by older households (55+).

It is noted that Calverton has been identified as a Key Settlement for Growth in the ACS. The proposed main modifications to the ACS identify a housing figure of up to 1,055 dwellings for Calverton for the period 2011 to 2028. This figure will include a number of dwellings that have been completed or currently have extant planning permission. It has been expected that some Green Belt release would be required at Calverton. The weight to be given to the designation of Calverton as a key settlement for growth as very special circumstance should be considered.

Decisions about which sites to allocate will be made in the Local Planning Document (also known as the Part 2 Local Plan). As part of preparing the Local Planning Document, the Borough Council has commissioned consultants to produce a Masterplan to show how the housing target for Calverton could be best delivered. In preparing the Masterplan there has been public engagement with the local community. The final Masterplan, which has recently been made public, recommends that this site be included in the area allocated for development in the emerging Local Planning Document.

The weight to be given to this Masterplan should be considered, although it is noted that the Borough Council has not yet considered whether it agrees with the recommendations and it is not been subjected to formal public consultation or independent examination.

In conclusion, the harm to the Green Belt in terms of the five purposes of Green Belt should be identified and whether the identified 'very special circumstances' outweigh this harm and any other harm should be considered. The applicant has identified the lack of a five year land supply and the need for 'retirement' properties as very special circumstances.

#### Nottinghamshire County Council (Highway Authority) –

The Highway Authority has noted that this is an outline planning application with all matters reserved for future consideration. It has also been noted that the purpose of the current application is to establish whether in principle of redeveloping of this site for bungalows suitable for occupation by the elderly is acceptable to the Local Planning Authority.

From a highway point of view the Highway Authority has no objections in principle to the proposed development being considered at the above location as there will be no adverse impact of the development on the County's roads but there are numerous highway issues that require clarifications and addressing before the Highway Authority could support the current proposals.

There appears to be discrepancy between the red line boundary of the site and the

extent of public highways of Hollinwood Lane and North Green. As a result there will be a narrow strip of land along North Green with unknown ownership between the proposed site and the edge of public highway of North Green. We would recommend that this issue should be resolved at an early stage to avoid confusions at later date in relation to the future maintenance of this strip of land in question including the section of new road within the proposed site access road which may be considered as public highway if designed and constructed to an adoptable standard in accordance the Nottinghamshire County Council's Highway Design Guide called 6Cs Design Guide.

For information, the 6Cs Design Guide can be viewed via the link below: <http://www.leics.gov.uk/6csdg.htm> .

It should be noted that the proposed car parking spaces marked as P1 on the sketch layout plan reference CA-01 attached with this application will be constructed over the existing public highway of North Green. Please see area highlighted in yellow on attached plan. Nothing shall be constructed over the existing public highway unless the section of highway in question is legally stopped up. For information, the developer will have to approach the Department of Transport for stopping up of public highway which is a lengthy process.

Minimum effective width for a private driveway serving 2 to 5 dwelling shall be 4.25m for a minimum distance of 5m behind the highway boundary. Please refer to a private driveway leading to units marked as 18 – 21 inclusive. It appears to be 3.5m wide only as shown on the sketch layout plan.

Due to the proposed tree fronting plot no. 18 on new shared surface road and the presence of existing trees along the site frontage onto North Green the visibility for vehicles exiting from plots 19-21 will be restricted. This is not acceptable as it will be detrimental to road safety.

There is no footway on the northern side of the highway of North Green along the proposed frontage of the site and the verge is consists of lot of trees. It has been noted that the applicant is proposing to retain these trees. The Highway Authority is concerned that due to the presence of trees and other overgrown vegetation will mask the visibility for vehicles exiting the proposed site access road. For information, 2.4m x 43m visibility splays will be required along North Green on both sides of the proposed site access.

It has been noted from the Design and Access Statement that the proposed shared surface road will be 7.0m wide. This is not acceptable. The proposed road shall be constructed in accordance with the 6Cs Design Guide so that it could be considered as public highway. For information, overall corridor width of the proposed access road for this type and size of the development should be 8.8m consisting 4.8m wide carriageway and 2.0m wide footway/service strips on both sides of the carriageway.

The corridor width of 8.8m is the minimum space required to accommodate all likely road users and utility equipment (for example, gas, water, cable TV).

Normally the Highway Authority would not accept any parallel parking to the

proposed public highway as door opening of a parked vehicle onto footway/pedestrian area would be detrimental to road safety. However, having considered that the proposed access road being a shared surface the Highway Authority may be in position consider these subject to the proposed parking spaces would be widened to prevent any door opening over the proposed public highway. Please refer to parking spaces marked as P4 and P16 as shown on the sketch layout plan reference CA-01.

New footway fronting the proposed development along North Green and its link to the existing footways on Hollinwood Lane will be required. In order assist pedestrian in crossing the Highway Authority would also seek improvements at North Green/Hollinwood Lane/Hollinwood Lane (Byway) junction. This should also include suitable crossing facility for pedestrian such as dropped kerb crossing with tactile paving where appropriate.

It is clear that further design works and clarifications are required before further comments on this application. The Highway Authority would recommend that no decision is made until such time all of the highway issues have been resolved.

Notwithstanding the above, if the applicant is willing to amend the proposals to reflect the above the Highway Authority may be in position to review its recommendations.

Environment Agency – No representations have been received.

Housing Strategy –

There is a clear need for accessible bungalows in Gedling. As far back as 2007, the council's Strategic Housing Market Assessment recommended:

'Bungalows are well known to be the traditional housing aspiration of older households, and could tempt more under-occupying households out of there large accommodation, which would improve stock utilisation more than higher density new building. These would need to be done well, in the right locations for services, transport and environment, and of sufficient size – two bedrooms is the expected norm for older households in typical 'downsizing' position nowadays – and there must be enough space and storage to accommodate the acquired effects of many years spent in a larger house. Innovative design and provision of shared, secure storage space and occasional 'spare rooms' for visitors could be a way of tackling issues of space and density. Two bedroom bungalows are also more flexible for alternative use – small families can live in them, and extend them if required.'

The 2011 Census showed that 25% of Calverton's population was aged 60 or over (compared to 22% for England), with the median age being 43 (compared to 39 for England)

A study into housing needs of disabled people carried out in 2011-12 concluded that, based on a 'low estimate' of need:

- By 2015, there will be 286 disabled people in Gedling whose needs will not be met by their current accommodation.

- Bungalows were overwhelmingly the most popular choice of property type, preferred by 75% of respondents.
- There is therefore a need for 214 bungalows across the borough
- 113 of these will need to be wheelchair accessible (e.g. lowered kitchen worktops etc)

(N.B. these figures are based on application of national prevalence rates to Gedling, supplemented by a local survey to explore the qualitative issues in this area.)

No figures for the number of bungalows at small area geographic levels have been found. The English Housing Survey 2012-13 found that around 9% of dwellings nationwide were bungalows. The aging population, survey data showing strong preferences for bungalows, and price premiums commanded by the limited number of bungalows that are offered for sale in Gedling, all suggest that increasing this population would be beneficial to meet future housing needs.

Although a location on the edge of the village may not be considered ideal for accommodation for older or disabled people, I note that there is a bus stop on Collyer Road around 200 yards from the site. This is served by the Calverton Connection (every 15mins Monday – Saturday, hourly Sundays), which gives access to the facilities in the centre of Calverton, as well as Arnold and Nottingham. It appears that the Co-operative and Lonsdale stores on Flatts Lane are approximately 1250 yards away, while the walking distance to the doctors surgery is just over a mile. Both these locations are served by bus. Although perhaps not ideal, I think the site needs to be judged in the context of any alternative available sites in Calverton that could provide this accommodation - for which Housing Strategy are not aware of at present.

In the event that permission was granted for this scheme, a s.106 agreement would be required to secure 20% of the properties as affordable housing, in accordance with the Affordable Housing SPD. We would also recommend that the properties should be built to the Lifetime Homes principles.

#### Public Protection (Scientific Officer) –

The application included a 'Phase 1 report (OPUS ref. K-NC597\_R1.1\_LMH); having reviewed the report I note their recommendations for a further assessment (Section 11). As such I would recommend that planning conditions are placed to ensure these assessments take place; and cover any remedial works, should they be required.

#### Nottinghamshire County Council (Policy) – Conclusions:

It is a matter for the Borough Council to decide whether the applicant has demonstrated that there are very special circumstances which justify the proposed development in the Green Belt. Given the relatively small scale of the proposal and the identification of Calverton as a Key Settlement for growth in the Aligned Core Strategies, the County Council would not wish to raise any strategic planning objections to the proposal on Green Belt grounds.

There are no strategic planning policy or highways objections to the proposal in principle, however a number of detailed highway issues need to be resolved.



There are no objections to the impact of the proposed development on landscape and visual impact but it is requested that further information is provided and advice adhered to.

There are no objections in respect of nature conservation provided that a protected species survey is carried out prior to determination of the application and any planning permission granted is subject to a condition requiring the submission and approval of detailed landscaping scheme.

Developer contributions would be sought for education provision.

Nottinghamshire County Council (Education) – It is confirmed that the primary schools are at capacity and unable to accommodate the additional 4 primary places. The secondary places however, can be accommodated in existing schools.

Nottinghamshire County Council would wish to seek education to provide additional primary provision to serve the proposed development.

Urban Design Consultant – With regard to the indicative layout to the major scheme; issues are raised with regards to the layout at this stage or has the development considered building for life 12 submissions with the application.

Nottinghamshire County Council (Forestry Manager) – The supplied detail in document 44a-13-14 is factually correct.

It is suggested that the supplied document is used as a non-standard condition of any consent granted to ensure satisfactory and safe tree retention and control over the extent of tree felling operations.

### **Planning Considerations**

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

1. The Impact on the Green Belt
  - i. Whether or not the proposal would constitute inappropriate development in the Green Belt;
  - ii. The effect of the proposal on the openness of the Green Belt and the aims of Green Belt policy;
  - iii. If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify the development;
2. Other Considerations / Very Special Circumstances;
3. The principle of the layout, design and appearance;
4. The impact on neighbouring amenity;

5. Highway implications; and
6. Planning obligations.

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

- Delivering a wide choice of high quality homes (paragraphs 47 – 55);
- Requiring good design (paragraphs 56 – 68); and
- Protecting Green Belt land (paragraphs 79 – 80 and 87 – 89)

At the local level the following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) are also relevant to the determination of the application: -

- ENV1 (Development Criteria);
- ENV3 (Development on Contaminated Land);
- ENV26 (Control Over Development in the Green Belt);
- ENV42 (Aquifer Protection);
- H13 (Residential Homes);
- T10 (Highway Design and Parking Guidelines)

In addition appropriate car parking provision should be provided in accordance with the residential car parking standards set out in the Borough Council's Supplementary Planning Document (SPD) 'Parking Provision for Residential Developments' (2012)

On the 13<sup>th</sup> February 2013, Gedling Borough Council 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 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 are relevant: -

- Policy 2: The Spatial Strategy
- Policy 3: The Green Belt
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity.

### Impact on the Green Belt

Paragraphs 79 and 80 of the NPPF outline the importance that the Government attaches to the Green Belt and the aim of Green Belt Policy to prevent urban sprawl and to retain the essential openness and permanence of the Green Belt.

Paragraphs 87 of the NPPF state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special

circumstances are demonstrated which outweigh such harm. Paragraph 89 notes that the construction of new buildings within the Green Belt is inappropriate development and outlines the categories which may be considered as being exceptions to this.

Policy ENV26 of the RLP reflects this guidance, identifying that the construction of new buildings within the Green Belt is considered inappropriate unless it is for the purposes of agriculture or forestry or provides small scale essential facilities for outdoor sport and recreation.

I am mindful of recent case law and also note the Ministerial Statement issued on the 1<sup>st</sup> July 2013 which highlight that the demand for housing would not on its own be sufficient to outweigh the harm to the Green Belt.

I am mindful that the proposal does not meet any of the exceptions listed under paragraph 89 or fall within any of the categories of development considered appropriate development under Policy ENV26. I am therefore of the view that the proposal would be inappropriate and therefore by definition harmful to the Green Belt setting of the site, and in accordance with the NPPF and ENV28 I would attach substantial weight to this harm when considering this application.

The applicant has put forward the following arguments as very special circumstances in order to justify the development:

- Assisting the Council in meeting the 5 year housing land supply;
- Addressing the need for elderly persons' accommodation;
- Addressing the need for affordable housing suitable for the elderly;
- Reusing derelict land; and
- Landscape and visual improvements through the development of the site.

#### The effect on the openness and the aim of Green Belt Policy

The site comprises of redundant vehicle hardstanding and is bounded by mature vegetation together with trees, hedgerows and open Green Belt land to the north and east. Whilst the existing landscaping around the boundaries of the site provides some screening, it is noted that that the site is not entirely enclosed, and in particularly to the northeast there are views from the site to the open Green Belt land beyond. The site at the northeast corner is also in an elevated position to the adjoining agricultural land. Whilst the land was a previously developed car park serving the redundant colliery I still consider the site itself to be predominantly open and undeveloped of built form.

I note that the applicant submitted a Landscape Appraisal concluding that the current landscape condition is 'Very Poor' as set out in the Greater Nottinghamshire Landscape Character Assessment (GNLCA) June 2009. It is also noted that the GNLCA sets out that the 'Landscape Sensitivity' is Very Low on the basis that views out of the area are blocked by the colliery spoil heap and the built edge of Calverton along with the moderate sense of place and low visibility leads of low landscape sensitivity.

However, the proposal is for up to 21 retirement bungalows. Given the location of the site adjacent to a small ribbon of residential development outside of the village envelope of Calverton and the protected employment site to the west with Calverton Colliery spoil heap behind public views to the scheme would be limited. Additional landscaping/woodland screening, as suggested by the agent, would also assist in limiting views of the proposed development from the surrounding area. However, it is my view the erection of 21 bungalows on a site that is essentially undeveloped would undoubtedly have a marked effect on the openness of the site and the surrounding area, and would extend the built form outside of the village setting.

The NPPF advises at paragraph 79 that openness is an essential characteristic of Green Belts and the prevention of urban sprawl by keeping land permanently open is the fundamental aim of the designation. In this regard, policy ENV26 of the Local Plan is largely consistent with the Framework.

It is my opinion that for the above reasons, the proposal would be harmful to the Green Belt by reason of its effect on openness, and would be contrary to the aims of the designation. This harm would therefore add significantly to that arising from the inappropriate nature of the development.

#### Other Considerations (Very Special Circumstances)

It is my opinion that the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing use. It is therefore for the agent to demonstrate that there are very special circumstances which outweigh the harm to the Green Belt in accordance with ENV26 of the Replacement Local Plan and paragraphs 87 – 89 of the NPPF. The Thundersley decision (ref: 2177157) and the recent Ministerial Statement (1<sup>st</sup> July 2013) highlight that the demand for housing would on its own not be sufficient to outweigh harm to the Green Belt. The Government's clear position is that Green Belt release should be through Local Plans unless there are additional very special circumstances.

The agent has put forward special circumstances that relate to the benefits of the proposal in terms of the contribution the proposal would make to the Borough Council's 5 Year Housing Land Supply, including the need for 'retirement' properties that meet the needs and requirements of people in Calverton, reusing derelict land and the landscape and visual improvements through the redevelopment of the site.

I am mindful of the Ministerial Statement of the 1<sup>st</sup> July 2013 in relation to the protection of the Green Belt, which highlighted that unmet demand for housing would not on its own be sufficient to outweigh the harm to the Green Belt, I do not consider that this in itself would amount to the very special circumstances to justify the granting of planning permission.

I note the comments from Housing Strategy and accept the Strategic Housing Market Assessment identified the need for accessible bungalows in Gedling. I do however consider the contribution the scheme would make towards meeting housing needs, and, in the absence of a five year housing land supply, the contribution it would make more generally to the housing needs of the Borough, are significant factors in favour of the proposal. I accept that there appears to be a need for

retirement housing in Calverton, however, the agent has not submitted information regarding the availability of alternative available sites within Calverton to illustrate that this accommodation cannot be provided for in existing locations or better alternative sites.

Policy 8 of the Aligned Core Strategy refers to housing size, mix and choice. Consideration should be given to the needs and demands of the elderly as part of overall housing mix, in particular in areas where there is significant degree of under occupation and an ageing population.

I note the comments from Planning Policy with regards to Calverton being identified as a Key Settlement for Growth in the ACS. I also concur that weight should be given to this Masterplan and that it should be considered although it is noted that the Borough Council has not yet considered whether it agrees with the recommendations and it is not been subjected to formal public consultation or independent examination.

Given the relatively small scale of the development which offers a limited mixture of housing in an isolated location away from the defined village envelope I would not give the Calverton area being a Key Settlement for Growth significant weight in determining this application as Green Belt release would come through the Local Planning Document.

I note the comments from the agent with regards to the economic benefits that would be afforded by the local community during the construction phase; however, I would not give this significant enough weight that would account for very special circumstances in this instance.

Taking the above considerations into account, I am of the view that harm by reason of the inappropriateness of the development is not clearly outweighed by other considerations and that very special circumstances do not exist in this instance to justify the grant of planning permission.

I am therefore of the view that the proposal fails to accord with criterion contained within the NPPF, Policy ENV28 of the RLP and Policy 9 of the ACS.

#### Suitability of the location

To assess whether the proposal is appropriate in this location, consideration needs to be given to paragraphs 49 and 55 of the NPPF. Paragraph 49 outlines that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 encourages sustainable development within rural areas. New isolated homes should be avoided unless there are special circumstances.

Notwithstanding the impact of the proposed development upon the character of the Green Belt, I am mindful that the site is separated from the village infill boundary by some 165 metres, from the bus stop to Calverton / Arnold / Nottingham by some 0.5 kilometres and from the village amenities by some 1.9 kilometres. Given the location

of the site relative to many services, and the intended occupancy of the units, I have not been persuaded that future occupiers would meet many of their day-to-day requirements without reliance on the private car, or that they would generally make use of the facilities in the village.

Whilst I note the sustainability report submitted by the agent highlights the 6C's Design Guide states that 'generally walking distances to bus stops....in rural areas the walking distance should not be more than 800m' the intended occupants and the demographic of potential purchasers of accessible bungalows may not consider the 0.5 kilometre walk an accessible distance that would dissuade them from using the private car.

I note that the Borough Council approved a development (ref: 2012/0057) which is 160 metres to the south of the application site and the agent has suggested this development would have similar access issues. However on considering this development it is noted that the vehicle access to the site is opposite the bus stop on Collyer Road so walking distances would be significantly less. I would also note that this comprehensive development site would account for a mixture of housing types and would not be intended for retirement age occupants.

I therefore consider, given the site is not well served by public transport and given its distance from local facilities, that a residential development of dwellings suitable for retirement as proposed would be not be in a sustainable location and I am of the view that it is likely that there would be an increased reliance on private motor vehicles or that residents of the development may become isolated.

I therefore consider that the proposal fails to accord with paragraphs 49 and 55 of the NPPF and that the location of the development away from local facilities and the defined village envelope would not accord with the Framework's objective of providing inclusive and mixed communities.

#### The principle of the layout design and appearance of the proposed development

The Government attaches great importance to the design of the built environment. Section 7 of the NPPF states inter-alia, that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architectural and appropriate landscape.

Criterion a. and c. of Policy ENV1 of the RLP are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials.

Policy 10 of the ACSSD looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and Replacement Local Plan policies.

I note that the application is outline with all matters reserved at this time. Although matters of access, appearance, landscaping, layout and scale are reserved for future determination, an indicative site layout have been deposited with the application which I consider would set the parameters of the development for the future reserved matters application. I would note that the maximum parameters for the residential units have been submitted by the agent.

I am satisfied that the application site is capable of accommodating the proposed dwellings of the specified dimensions without appearing cramped or over intensive, I note the comments from the Urban Design Officer who raises issues with the layout and am of the view that the indicative layout submitted with the application could be improved in terms of the rear garden areas not facing onto highways. Although there are a few minor issues with the indicative layout all matters are reserved with this application and a revised layout could be considered at Reserved Matters stage to address these concerns.

I am satisfied given the maximum parameters set by the agent that the scale and bulk of the proposed single-storey dwellings as outlined would be acceptable.

I therefore consider that the indicative details deposited could be improved at Reserved Matters stage in order for the application to accord with the NPPF, policy ENV1 of the RLP and Policy 10 of the ACS.

#### Impact on neighbouring amenity

Criterion b. of Policy ENV of the RLP is relevant in this instance and states that planning permission would be granted for development providing that it would not have a significant adverse effect on the amenities of occupiers of neighbouring properties or the locality in general.

Criterion f) of Policy 10 of the ACSSD relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering the proposal.

I am satisfied, that as shown on the indicative layout and the maximum parameters set for the dwellings, the proposed development would not result in any material overbearing or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings on North Green.

I therefore consider that the indicative details submitted with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the ACS.

#### Highway Implications

Criterion c. of policy ENV1 of the RLP requires that development should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. Policy T10 of the RLP also requires that in considering proposals for new development reference will be made to the Highway Authority's

highway design.

I note the Highway Authority have raised no objections to the principle of the development in this location as there would be no adverse impacts on the County's roads. However there are a number of detailed highway issues which require clarification and need to be addressed. The detailed requirements of the Highway Authority have been forwarded to the agent and should be adhered to on the submission of an application for Reserved Matters.

When considering parking provision for residential properties the Gedling Borough Council's Parking Provision for Residential Developments (SPD) is relevant. When considering development for over 6 dwellings the SPD offers a flexible approach on car parking provision with a mixture of allocated and unallocated car parking. I am satisfied that the proposed site is of a size which could accommodate sufficient on street and off street car parking to serve the development without causing any highway safety implications. Given the submitted plans only offer an indicative layout the precise details of the access and car parking provision would need to be secured via condition and approved at the Reserved Matters planning application stage.

### Planning Obligations

With regards to the planning obligations the agent has submitted a draft section 106 agreement. The potential planning obligations would be dealt with through the reserved matters application process to secure any necessary requirements as all matters are reserved at this stage.

Given that the site is 0.48Ha the proposed development is subject to the following developer contributions: -

### Education

In terms of education provision, based on the current pupil projections, additional secondary school places can be accommodated in existing schools, however the primary schools are at capacity and unable to accommodate any additional places. Whilst I note that the agent has indicated the properties would be designed to be suitable for retirement age there would be no restrictions limiting the occupants or purchasers of the bungalows to the over 60's age group. Therefore, the proposed development of 21 dwellings would yield an additional 4 primary places. The County Council would therefore wish to seek a contribution towards education provision to provide additional primary provision to serve the development.

### Open Space

Policy R3 of the RLP requires that on residential development sites of 0.4Ha a minimum standard of 10% local open space should be provided to serve that development which will be secured through planning conditions or negotiation of a S106. The agent has indicated that provision would be made through a financial contribution to the Local Authority to provide facilities off site or enhance nearby local facilities.



## Community Facilities

Policy C2 of the RLP requires that consideration will be given to the need for the provision of community facilities arising from a proposed new development of 0.4Ha. This will be secured through the imposition of conditions or through planning obligations, legal agreements or financial contributions related to the scale of the development proposed.

## Affordable Housing

Given that up to 21 dwellings are proposed, Policy H18 of the RLP requires the negotiation to secure an affordable housing contribution either by making 20% of the units on site affordable housing or by means of a commuted sum if this was not achievable.

Although the agent has indicated willingness in the planning statement to enter into agreements for 20% of housing in the development to be made available for affordable housing, given my significant concerns in relation to the inappropriateness of the proposed development within the Green Belt and that very special circumstances have not, in my opinion, been demonstrated to justify the proposal, I do not consider that it would be reasonable to pursue these matters further at this stage.

## CONCLUSION

In conclusion, the proposal would be inappropriate development in the Green Belt as defined by the Framework, and would additionally have a significant effect on the openness of the area. It is my view that this harm should be given substantial weight. Whilst the benefits of meeting housing needs would accord with national planning guidance, the Framework makes clear that planning proposals are to be judged against all the relevant policies it contains. These Policies include very strict control over development in Green Belts necessary to ensure their protection. In that context I have had particular regard to the Ministerial Statement dated 1<sup>st</sup> July 2013 where the Secretary of State clarified that, although each case will depend on its facts, unmet housing need is unlikely to outweigh harm to the Green Belt and constitute the very special circumstances justifying inappropriate development.

I accept that the residential development would not conflict with the built form of other properties in the area, and that the indicative layout plan demonstrates how a scheme could be laid out to provide adequate areas of amenity space and car parking. I do not consider these matters, whose effects are neutral, to weigh in favour of the scheme in this instance. I also consider that the introduction of built form on the site would materially impact on the openness of the Green Belt and would not offer landscape and visual improvements through the redevelopment of the site.

Although I note that there is a need for accessible bungalows in the Gedling Area and the principle of the development may be acceptable in terms of scale and layout, I do not consider that, in this instance very special circumstances have been evidenced to demonstrate that there are material considerations which amount to

very special circumstances which would outweigh the harm, as a result of the inappropriateness of the development, to the open character or permanence of the Green Belt.

I therefore consider that the proposal fails to accord with National and Local Green Belt Policy and recommend accordingly that permission be refused on these grounds.

**Recommendation:**

**To REFUSE PLANNING PERMISSION.**

1. In the opinion of the Borough Council, the proposed development would constitute inappropriate development in the Green Belt by virtue of not serving the five purposes of including land within the Green Belt. Therefore, in the absence of any very special circumstances the proposed development would, by definition, be harmful to the Green Belt contrary to the guidance contained within the National Planning Policy Framework (2012) and Policy ENV26 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 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 proposal was the subject of pre-application discussions and the agent was made aware of the policy objections. The applicant has been made aware of the situation in writing and in order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions, which cannot resolve the reasons for refusal, to facilitate a decision in a timely fashion.



**Application Number:** 2014/0177  
**Location:** 1 Nottingham Road, Ravenshead, Nottinghamshire, NG15 9HG



**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**

<b>Application Number:</b>	2014/0177
<b>Location:</b>	1 Nottingham Road, Ravenshead, Nottinghamshire, NG15 9HG
<b>Proposal:</b>	Demolition of existing car showroom and erection of a convenience store (Use Class A1) with associated landscaping and car parking.
<b>Applicant:</b>	Sainsbury's Supermarkets Ltd
<b>Agent:</b>	Turley Associates

### **Site Description**

This application site is located at the junction of Nottingham Road and Main Road, Ravenshead and is currently occupied by a car sales business. The site slopes steeply down to the south and west and as a result the premises present a two-storey elevation to Nottingham Road and a three-storey elevation to Main Road, with garage/store facilities at basement level. A detached workshop building is situated to the rear, close to the boundary with the adjoining commercial properties. Historically the site was used as a petrol filling station and there are previously used storage tanks in situ.

Residential properties are located opposite the site on Nottingham Road. Larch Farm Public House is located opposite the site on Main Road. The site has existing vehicular access to both Nottingham Road and Main Road.

The site is located within the Ravenshead Village envelope and Ravenshead Special Character Area as indicated on the Proposals Map for the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

### **Relevant Planning History**

Planning application 89/1437 – Conditional Planning Permission was granted in October 1989 to 'Extend workshop, demolish front wall and form car parking area.'

Planning application 92/0392 – Planning Permission was refused in May 1992 for 'Proposed extension to existing car showroom building and erection of first floor office accommodation' given the office accommodation was located outside an area of allocation for office uses; there would be inadequate space for the parking and manoeuvring of vehicles; and overintensification of development.

Planning permission 92/1391 – Conditional Planning Permission was granted in March 1993 for ‘Proposed extension to existing car showroom building and erection of first floor office accommodation’. This permission was never implemented.

Planning permission 2012/1449 – Conditional Planning Permission was granted in January 2013 for ‘Proposed conversion and change of use of existing garden centre building into a restaurant with single storey side extension, and front glazed extension’ at the adjoining site, No. 3 Nottingham Road.

In November 2013 Planning Permission (app. No. 2013/0563) was refused for Demolition of existing car showroom (Use Class Sui Generis) and erection of a convenience store (Use Class A1) with associated landscaping, car parking and servicing’ for the following reasons:

1. In the opinion of the County Council as Highway Authority and the Borough Council as Planning Authority the proposed development would lead to an increase in turning and manoeuvring at the existing vehicle accesses on a heavily congested junction during peak hours causing traffic dangers and difficulties on the adjoining highways for both drivers and pedestrians. The proposal is therefore contrary to Policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008 and the NPPF which attaches great importance to good design and considers it as a key aspect of sustainable development.
2. In the opinion of the County Council as Highway Authority and the Borough Council as Planning Authority the proposed development would not provide adequate space within the site for manoeuvring of vehicles and for delivery vehicles, which would interfere with the safety and free flow of traffic on the adjoining highway. The proposal is therefore contrary to Policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008 and the NPPF which attaches great importance to good design and considers it as a key aspect of sustainable development.
3. In the opinion of the County Council as Highway Authority and the Borough Council as Planning Authority the increase in the use of the right turn entrance into the site from Main Road, by virtue of its proximity to the junction and limited visibility over the brow of the hill, would interfere with the safety and free flow of traffic on the adjoining highway. The proposal is therefore contrary to Policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008 and the NPPF which attaches great importance to good design and considers it as a key aspect of sustainable development.

An appeal against the decision has been submitted to the Planning Inspectorate and is under consideration at the present time.

#### Proposed Development

Full Planning Permission is sought for the demolition of existing car showroom (Use Class Sui Generis) and erection of a convenience store (Use Class A1) with

associated landscaping, car parking and servicing. The siting and design of the building remain as previously submitted, changes have been made to the scheme to address the previous reasons for refusal.

The proposed retail building would have maximum dimensions of 23.8 metres width x 13.6 metres depth and be located to the rear of the site. The building would consist of a two storey gable frontage with a single storey pitched roof extension to the south-west side. The maximum ridge height would be 8.3m above finished floor level. The shop front would be predominantly glazed at ground level to the north-west and south-west elevations. The building is shown to be rendered cream with an element of timber cladding.

Opening hours are specified as 7am – 11pm, 7 days a week.

20 full time employees are proposed.

New tree and hedge planting is shown adjacent to the north-west and north-east boundaries of the site.

#### Summary of proposed changes:

### **1. Reconfiguration of parking and servicing**

Remove one car parking space, alter the location of another and reposition the servicing area.

15 spaces are shown on the submitted site plan (drawing no. 200 Rev B).

### **2. Alterations to access and egress**

Retain and widen the positioning of access and egress points, whilst restricting right turn movements onto Nottingham Road.

Pedestrian island at the site access with Nottingham Road.

Dropped crossings and tactile paving at the site access.

Widening the existing pedestrian island at the junction of Main Road and Nottingham Road.

### **3. Safety enhancements to carriageway**

Provide 'slow' markings and dragons teeth on the carriageway, speed limit signs on the approach to the junction and high friction surfacing, as well as widening of the existing pedestrian island.

Supporting documents include a Design and Access Statement, Transport Statement, Planning Statement, Plant Noise Assessment, Landscape Options, Phase 1 Geo-Environmental Desk Study (December 2012), Phase 2 Geo Environmental Assessment Report (February 2003) and a Protected Species Survey (Landscape Science Consultancy Report July 2013).

### **Consultations**

Environment Agency – Planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and the Environment Agency would object to the application.

**Condition**

No development approved by this planning permission (or such other date as may be agreed in writing with the Local Planning Authority) shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A Preliminary Risk Assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- 2) A Site Investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the Site Investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason**

To safeguard the groundwater resource from potential contamination.

**Condition**

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.

**Reason**

A piles foundation design has the potential to mobilise and provide preferential pathways for contaminant migration.

Nottinghamshire County Council (Highways) – Object, the Highway Authority, feel that this application does not address the previous highway reasons for refusal

adequately and therefore recommend that this current application also be refused.

The Planning Statement produced by Turley Associates as part of this current submission, states that this application will address the highway reasons for refusal, by including a number of on and off site highway improvements.

Nottinghamshire County Council's safety audit report listed a number of items of concern, which have not been fully addressed by the applicant, they are as follows:

Drivers travelling north on the A60 and attempting to turn right into the store may confuse a following driver who might be expecting them to be turning right at the main signalised junction. There is no indication of these different right turn movements within the road markings and the width of the existing right turn lane is below standard. This may lead to late braking and a shunt type accidents.

If the right turn lane on the northbound A60 is full with vehicles waiting to turn onto the B6020, a driver wishing to turn right into the store access might be tempted to pull across the southbound carriageway across the central hatching and face oncoming southbound vehicles merging at the access, especially as such drivers would have an awareness of how the signals operate at the junction ahead. This would cause obvious conflicts and could lead to accidents.

Southbound drivers will be concentrating on completing their merge downstream of the traffic signals and may not expect vehicles to be emerging from the store in front of them. A vehicle making a left turn out of the access onto the A60 will be travelling at relatively low speed and this could lead to shunt / late lane change type accidents. The proposed high friction surfacing will assist, but conflicts remain.

A vehicle slowing to turn left into the access from the A60 will be vulnerable to shunt type accidents from behind, since the proposed access is within the merging length from the nearby signals.

The access to the site on the B6020 is set close to the crest of a hill. A driver travelling east, making a right turn into the access will be braking beyond the brow of the hill and may have to wait in the carriageway to make the right turn. Following vehicles will not have an unobstructed view of the access due to the hill crest and will be unable to see the right indication light of the right turning vehicle, leading to shunt type accidents. The proposed "Keep Clear" markings will suffer from poor compliance and the proposed high friction surfacing will assist, but conflicts still remain.

A driver turning right out of the Main Road access has restricted visibility of eastbound vehicles due the hill brow. This will be exacerbated when vehicles travelling westbound form a queue for the signals, which will block the view from the access. A length of high friction surfacing has been proposed to provide better grip under emergency braking to mitigate against shunt type accidents, however it is shown as stopping short of the access and at the very



least should extend through the access.

When traffic is faced with delays at the signals westbound on the B6020, particularly at peak times, when a queue builds beyond the proposed keep clear, drivers may be tempted to use the store car park and the adjoining premises (as it is proposed to keep the right of way through these premises), as a cut through between the B6020 and the A60. There is also the possibility that drivers can mount the footway from the existing bus stop lay-by to circumvent the queue as there is nothing to prevent them doing so.

The village entry speed limit signs and associated dragons teeth markings are too distant from the signals to have an impact. They should be moved closer to the signals and the dragons teeth markings installed with high friction material.

There is no formal pedestrian provision for crossing the A60 from the westbound arm of the B6020 or the east arm of Main Road at present. The used car dealership would not generate pedestrian trips however a convenience store is specifically designed to generate this type of movement.

Clarification was also requested on the number of parking spaces within the site, the Planning Statement and Transport Statement conflicting with the plans submitted.

It is noted that it is also proposed that the right of way through the car park will be retained for access to the neighbouring properties located to the south of the site. This raises further highway safety concerns as this right of way gives access to a further two vehicular access points onto the A60, where both right and left turn manoeuvres can be carried out freely.

Nottinghamshire County Council (Petroleum Officer) – Officer states, inter-alia, according to the records that this Service hold on the subject site, there are two separate tank farms still in situ – the original tank farm, which consisted of 6 x 500 Gallon Underground Storage Tanks (UST's) and also a newer, separate tank farm, which was installed circa. 1970. The original 6 x 500 gallon UST's are slurry filled, but are probably still in situ. These UST's may be uncovered / disturbed by any works onsite regarding excavating / digging out for foundations / laying foundations or footings etc. I would strongly recommend that if these original UST's are found / discovered during any works on site, that they are excavated & removed completely from site. Please note though, these UST's can be considered to be safe from a fire / explosion / safety risk, as they are slurry filled, but it is still possible that voids may be present within the UST's, so it's possible petrol vapours could still be present, so caution must still be exercised whilst dealing with them.

Regarding the tank farm installed circa. 1970 and which is also still in situ, our records seemed to suggest that these UST's had been converted to store diesel after the site ceased to store and sell petrol. It is possible, due to their location, that these UST's won't be affected by any excavating / digging out for foundations / laying foundations or footings, but these UST's, as a minimum, must be made permanently safe, either by foam or slurry filling. Ideally, these UST's are again best

to be excavated & removed from site completely, as should any pipework and this would be this Services preferred option.

Nottinghamshire County Council (Forestry Manager) – No objections.

Planning Policy – No objections to the proposal subject to satisfactory comments on design, highways and residential amenity. The applicant has demonstrated that there is no sequentially better location within Ravenshead and the proposal is unlikely to cause a significant adverse impact on Ravenshead local centre. Masterplanning is underway to accommodate the growth identified in the Aligned Core Strategy and it is possible that this may recommend that an area of land is allocated for retail purposes. However, the final masterplans have not yet been issued and the recommendations have not yet been incorporated into the Local Plan. As such, it is not considered that any area recommended for allocation as retail by the masterplan is a sequentially better alternative at this stage.

Public Protection – No objections. The noise assessment suggests that the noise levels will be within recognised guidelines. If the equipment is installed and confirms to these guidelines then there are unlikely to be any environmental protection issues. However the timing cycles of similar appliances in similar situations have given rise to complaints. I would therefore suggest that the equipment should be operated so as not to give rise to complaints

Public Protection (Scientific Officer) –

1. Following the Phase II site investigations it would be appropriate for the subsequent report to contain a revised Conceptual Site Model (including a diagrammatical representation of the site) clarifying what has been discovered on site and also the remaining uncertainties.
2. Vapour monitoring has been carried out using a simple field headspace technique; backed up by a very small number of monitoring well visits. Due to the proposed land use it would seem that vapour intrusion is the dominant human health contaminant linkage (although this should be clarified in the revised CSM).

I would therefore recommend a more robust assessment of the risks associated the VOC intrusion; I would recommend the use of CIRIA 682 for the monitoring and assessment and CIRIA 716 for proposals for any remedial works and their verification.

3. The recommendations do not include any options for the removal /decommissioning of the insitu tanks. It is understood that the original set have been filled with concrete whilst the replacement tanks are currently water filled.

We would always recommend that the tanks be removed and the ground validated around, where possible, to remove any ongoing liability; this not being feasible we would recommend that the tanks are decommissioned in line with good practice and to the satisfaction of the County Council Petroleum Officer. (This point is particularly relevant to the water filled tanks).

Therefore, to ensure that the site is suitably assessed, remediated and verified I would

recommend the following conditions be applied:-

Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

#### Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

#### Submission of Remediation Scheme

Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

Urban Design Officer – No objections. The store reflects a former building on this corner site and should improve the appearance at the junction.

Ravenshead Parish Council – Object on the following grounds:

The effect the convenience store will have on village life and the failure of the application to recognise 3 other shops that trade in the village that would also be affected.

The site if developed will be dangerous to pedestrians and road users.

The plans show a red line marked around the boundary of the site when in fact it is a right of way to the site situated behind. The deeds state that

access should be allowed through the site both ways and should not be blocked. The drawings show a hatched area where delivery vehicles will be parked for up to 45 minutes at a time blocking the right of way and any access or exit to the site.

The Parish Council are not of the belief that 20 operatives of the store can find suitable parking within the area.

The plan indicates maximum use of the store in the late afternoon – a massive blockage already occurs at peak time in this area without any further development.

Nottinghamshire Wildlife Trust – No objections to bat survey (Landscape Consultancy 2013), but comment that should bats be found then work should stop immediately and the Bat Conservation Trust contacted. In order to avoid impact on nesting birds request that all work be undertaken outside the bird-breeding season, or a suitably qualified ecologist employed. Where new planting is proposed, recommend the use of native species.

Adjoining neighbours have been notified and 2 site notices posted – 7 representations have been received as a result, 5 objections and 2 in support. In summary:

Traffic impacts – potential increase in accidents at an already busy junction. Increased congestion, conflict and obstruction on the A60.

Insufficient parking provision on site.

Delivery vehicles will further exacerbate both traffic and nuisance to neighbours.

Impact on existing village shopping centre/ jobs will be lost.

No demand for development given the local facilities that exist in the village.

There are other stores in the local vicinity and no need for another.

The proposal will only benefit passing Nottingham and Mansfield trade.

Question evidence for promoting cycling and walking.

A large number of footpaths shown in the Design and Access Statement are private and should be disregarded.

The application will improve the amenity of the neighbourhood.

A 'keep clear' box on Main Road to support right turning traffic across would help.

In addition an objection letter and Transport Statement Appraisal has been submitted by Signet Planning on behalf of A F Blakemore and Son Ltd who operate the Spar on Milton Drive, Ravenshead who are of the opinion that the proposal represents inappropriate development of the site, in particular relating to pedestrian and highway safety.

### **Planning Considerations**

The main planning considerations in the determination of this application are the appropriateness of the proposed use in this location, the design of the proposal and the impact on the appearance of the area bearing in mind its location within the Ravenshead Special Character Area, the impact on neighbouring residential amenity

and the access and parking layout within the site and any highway implications.

The main planning policy guidance at the national level is the National Planning Policy Framework (NPPF) (March 2012). The following sections are particularly relevant in the consideration of this application:

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport
7. Requiring good design

At the local level the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008 includes the following policies relevant in considering this application:

Policy ENV1 – Development Criteria  
Policy ENV3 – Development on Contaminated Land  
Policy ENV17 – Ravenshead Special Character Area  
Policy S13 – Local Day-to-Day Shopping Needs.  
Policy T10 – Highway Design and Parking Guidelines

In addition Policy 10 (Design and enhancing local identity) and Policy 6 (Role of Town and Local Centres) of the Gedling Borough Aligned Core Strategy are material considerations.

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). Overall, while there are objections to the relevant ACS policies identified, these are not considered significant in terms of this application and significant weight can be given to the ACS policies identified above.

At the heart of the NPPF is a presumption in favour of sustainable development. Section 1 of the NPPF states the planning system should do everything it can to support sustainable economic growth and that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 19 of the National Planning Policy Framework states the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

### **Proposed Use**

Paragraph 24 of the National Planning Policy Framework states “local planning authorities should apply a sequential test to planning applications for main town

centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for 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. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

In terms of the sequential assessment paragraph 6.10 of the Planning Statement submitted as part of the Application identifies that the focus has been on Ravenshead local centre. Given the size of the store this is appropriate although the store will attract a significant proportion of its customers from drivers on Mansfield Road. In accordance with paragraphs 214-215 of the NPPF limited weight should be given to part c of Saved Local Plan Policy 13 as ‘need’ is no longer part of the retail assessment required by the NPPF although it does form part of the sequential assessment.

There are no vacant units within Ravenshead local centre and no opportunities to develop a site within or on the edge of the centre. The applicant has given consideration to development of the safeguarded land to the south of Ravenshead. This site was discounted by the applicant as being Greenfield and too large. It is accepted that the site is not sequentially better than the application site. As such the applicant has demonstrated compliance with the sequential test.

In terms of impact, the site is well below the threshold for an impact assessment to be required. The proposed store is less than 500 sq metres and will involve the sale of convenience goods (food, drink and other items required on a day-to-day basis). The existing local centre has no vacancies and a good mix of retail units and other facilities and mainly serves a top-up or convenience function. The proposal will increase the range and choice for customers in the area. The proposed use will keep an existing commercial site in use thereby making an important contribution to the local economy in accordance with the aims of the NPPF. Overall it is considered that the proposal will not result in an adverse impact on Ravenshead local centre of a sufficient scale to justify refusal of the application. Should planning permission be granted I consider it appropriate to attach a condition restricting any comparison goods to be sold to no more than 15% of the net floor space, in order to limit the impact on Ravenshead local centre.

## **Design**

The application proposes a gable fronted building with single-storey addition. I am satisfied that the proposals are of an acceptable size and design. I also consider the proposals would have an acceptable impact on the character of the area given the proposed materials and existing commercial buildings adjoining the site. I am mindful of the changes in levels across the site and would suggest that conditions relating to any changes in levels on the site, together with precise materials to be used, are attached to any permission in order to secure a satisfactory development.

Whilst the application site is situated within the Ravenshead Special Character Area, its design and layout being commercial in nature does not represent the typical

characteristics described within Policy ENV17. I note the proposals include planting of trees and hedges which I consider will improve the appearance of the site. I therefore consider the proposed change of use will have a relatively neutral impact on the Special Character Area and will not harm the historic setting of Newstead Abbey Park.

### **Highway Issues**

I am mindful of the comments of the County Council as Highway Authority and the sites location adjacent to heavily trafficked roads on a busy junction. I consider that the proposed development would lead to an increase in turning and manoeuvring at the existing vehicle accesses on a heavily congested junction during peak hours causing traffic dangers and difficulties on the adjoining highways for both drivers and pedestrians. I have noted the proposed changes to the scheme to overcome the previous reasons for refusal. However, in my opinion, the proposals do not alleviate all of the potential highway hazards. In particular, I share the concerns of the Highway Authority that the right hand turn into the site from drivers travelling north on the A60 may confuse a following driver who might be expecting them to turn right at the signalized junction. Also, the increase in the use of the right turn entrance into the site from Main Road, by virtue of its proximity to the junction and limited visibility over the brow of the hill, would interfere with the safety and free flow of traffic on the adjoining highway.

I also share the County Council's concerns regarding manoeuvrability within the site, particularly service vehicles blocking the site and parking areas, which will impact on traffic flows on the adjoining highways to the detriment of highway safety.

I am therefore of the opinion that the proposed revised measures are not sufficient to overcome the significant highway safety concerns raised.

### **Other Issues**

I note the comments of both the Environment Agency, the County Council Petroleum Officer and the Borough Council's Scientific Officer in respect of potential contamination and I am mindful of the past history of the site. I consider that the methods to deal with any contamination on the site can be dealt with by condition.

With regard to the impact on protected species, I note that Nottinghamshire Wildlife Trust have advised that they have no objections to the proposal. I therefore consider there would be no undue impact on protected species, subject to the development being carried out in accordance with the Landscape Science Consultancy Report July 2013.

I note the comments received from local residents. Whilst residential properties sit in reasonably close proximity to the site, I consider existing commercial buildings which border the site provide a suitable buffer between the development and residential properties. However, if the development were considered acceptable it would be reasonable to attach conditions regarding opening hours and hours of delivery or waste collection in order to protect residential amenity. I also consider that details in respect of chiller units and ventilation / extraction systems can be conditioned as part

of any consent.

## **Conclusions**

Whilst I have no concerns in relation to the proposed use, design, former use, impact on residential properties and local wildlife, I do have concerns in relation to highway safety. I am also mindful of the contribution that the proposal would make towards employment provision, however I do not consider that this contribution would outweigh the highway safety concerns. For the reasons set out in the 'Highway Issues' section above I would therefore recommend that the application is refused.

## **Recommendation:**

### **To REFUSE PLANNING PERMISSION for the following reasons:**

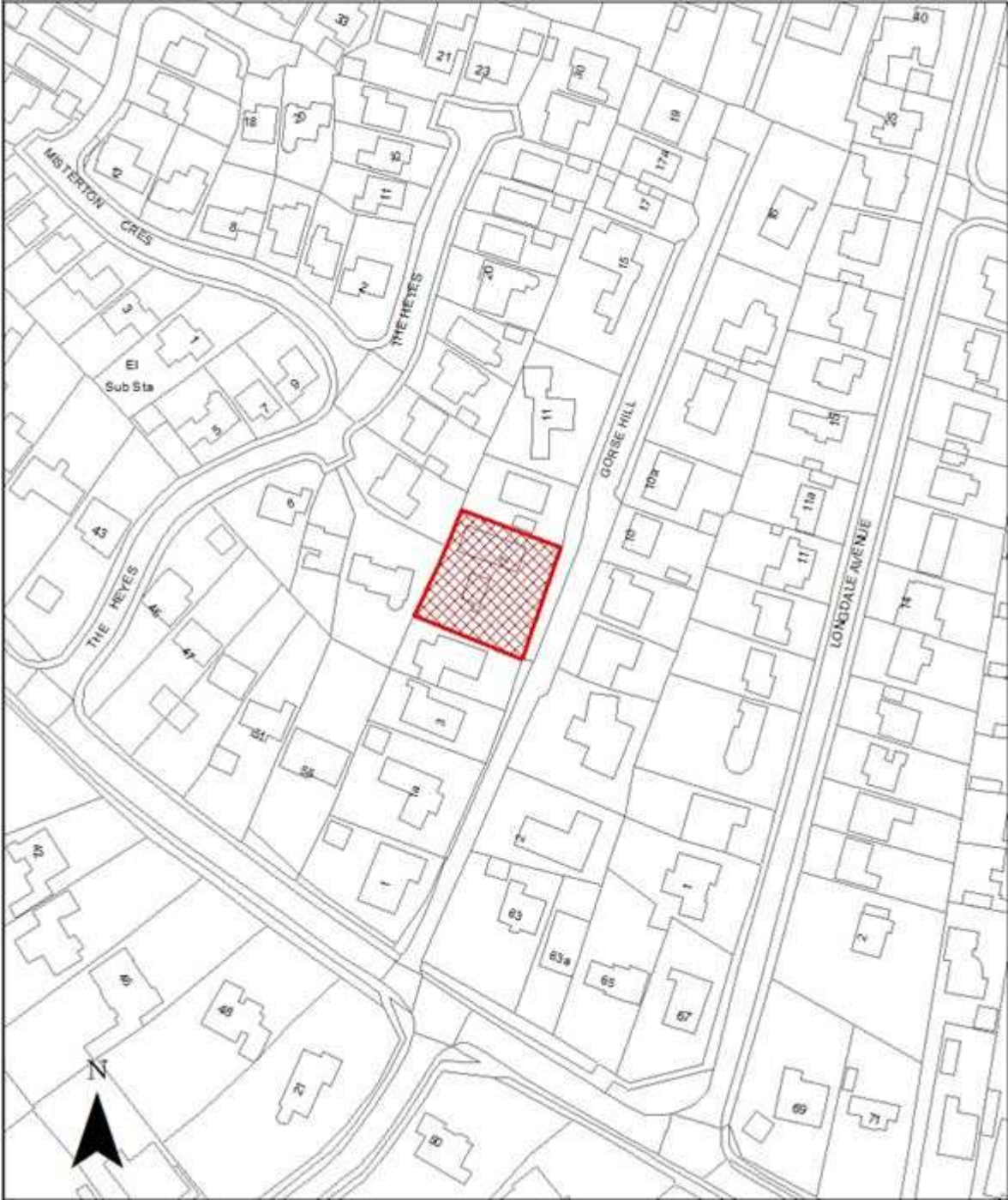
1. In the opinion of the County Council as Highway Authority and the Borough Council as Planning Authority the proposed development would lead to an increase in turning and manoeuvring at the existing vehicle accesses on a heavily congested junction during peak hours causing traffic dangers and difficulties on the adjoining highways for both drivers and pedestrians. The proposal is therefore contrary to Policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008 and the NPPF which attaches great importance to good design and considers it as a key aspect of sustainable development.
2. In the opinion of the County Council as Highway Authority and the Borough Council as Planning Authority the proposed development would not provide adequate space within the site for manoeuvring of vehicles and for delivery vehicles, which would interfere with the safety and free flow of traffic on the adjoining highway. The proposal is therefore contrary to Policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008 and the NPPF which attaches great importance to good design and considers it as a key aspect of sustainable development.
3. In the opinion of the County Council as Highway Authority and the Borough Council as Planning Authority the increase in the use of the right turn entrance into the site from Main Road, by virtue of its proximity to the junction and limited visibility over the brow of the hill, would interfere with the safety and free flow of traffic on the adjoining highway. The proposal is therefore contrary to Policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008 and the NPPF which attaches great importance to good design and considers it as a key aspect of sustainable development.





**Application Number:** 2014/0319

**Location:** 7 Gorse Hill, Ravenshead, Nottinghamshire, NG15 9AF



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

<b>Application Number:</b>	2014/0319
<b>Location:</b>	7 Gorse Hill, Ravenshead, Nottinghamshire, NG15 9AF
<b>Proposal:</b>	Demolition of bungalow and garage and construction of two chalet format houses with integral garage and access.
<b>Applicant:</b>	Mr Craig Smith
<b>Agent:</b>	Mr Martin Tucker

### **Site Description**

This application relates to 7 Gorse Hill, Ravenshead, which is a wide plot with an existing bungalow to one side located on a private road characterised by bungalows and chalet bungalows. The property has an existing driveway and detached double garage to the side.

Bungalows adjoin the application site to either side and a two-storey property adjoins the site to the rear on The Heyes (10 The Heyes) with its blank side gable facing the boundary with the application site. To the rear is also a detached bungalow at 12 The Heyes which has a rear elevation that faces the application site.

The adjoining bungalow at 5 Gorse Hill has a kitchen window facing the application site and some secondary glazing also on this side elevation. On the other side the site is adjoined by 9 Gorse Hill, which is also a detached bungalow, however there is a gap of approx 7m between the dwelling and the side boundary, part of which is occupied by a detached garage.

Boundary treatments on the application site include a 1.5m hedge and mesh fence to the front boundary, a 3.0m high hedge to the rear boundary with the neighbouring property on The Heyes and a 1.0m high hedge to the boundary with 5 Gorse Hill. A hedgerow sits on the boundary with 9 Gorse Hill.

Levels in Gorse Hill slope down towards the junction with Longdale Lane. Therefore, 9 Gorse Hill lies at a slightly higher level than 7 Gorse Hill whilst 5 Gorse Hill is slightly lower.

There are a number of trees around the site, including a silver birch to the front of the site, however these are not the subject of a Tree Preservation Order.

### **Relevant Planning History**

Conditional planning permission was granted in January 2013 for the demolition of existing garage and erection of a new dwelling – application ref. 2012/1420.

### **Proposed Development**

The application seeks planning permission for the erection of 2 chalet bungalows with attached double garages to replace the existing bungalow and detached double garage on the site.

Each dwelling is to be set back 14.5m from the front of the property with Gorse Hill. Driveways with turning space are proposed to serve each dwelling, with a double flat roofed garage is proposed in front of each dwelling. Each proposed dwelling will have parking space for a minimum 2 vehicles for each property. A door is inserted in the side of each garage providing pedestrian access to the side.

Both dwellings will largely mirror each other, with 1 Bedroom on the ground floor and 3 Bedrooms on the 1<sup>st</sup> floor. Whilst the original plans as submitted indicated a ridged roof of 8m in height this has been reduced in the plans deposited on 17<sup>th</sup> April so that the dwellings appear more as chalet bungalows, with a reduction in roof height of 1.5m.

The dwellings have been designed to have a depth of roof span of 8m. However each also has a rear 2-storey element that projects back a further 3m.

The property at 7 Gorse Hill will have a garden depth of 11.4m reducing to 8.5m behind the protruding rear 2-storey element, and at 7a Gorse Hill a garden depth of 12.1m reducing to 9.2m. Each plot has a width of 15.5m.

There are no windows in the main side south-west facing elevations that face 5, Gorse Hill. However the rear protruding elements have full length windows in the side elevations that face that way, providing patio doors to the ground floor and full length window to the 4<sup>th</sup> bedroom at first floor level.

There are 2 doors and 1 window in the side elevations facing 9 Gorse Hill (the north-east elevation). The doors are to the garage and utility room. There is also a window to the kitchen.

Rear windows at ground floor level include a set of 3 full length glazed lights to the dining room, 3 full length glazed lights to the sitting room, double patio doors to the sitting room, and an obscurely glazed window to the ensuite. At first floor level each dwelling will have an obscurely glazed full length window to the 4<sup>th</sup> bedroom (which extends back from the main rear elevation), a full length window to the 3<sup>rd</sup> bedroom, and a rooflight.

Materials are proposed to be slate roof tiles and larch board render walls with an ivory finish. Windows will be grey in colour. Barge boards and fascias are timber painted with natural cedar soffits. The applicant has described the proposal thus: "These proposals are contemporary with reasonable levels of glazing to the garden elevations, with predominantly render finishes and larch cladding".

A Design and Access Statement has been submitted as part of the application. The applicant has also submitted a Tree Survey which is identical to that submitted as part of the 2012 application.

Revised plans were submitted 15<sup>th</sup> April 2014 showing a reduction in the height of the roof from 8m to 6.5m. However as a consequence the footprint of the dwellings has increased from approx. 103 sq m (7 Gorse Hill) and 105 sq m (7a Gorse Hill) to 128 sq m (7 Gorse Hill) and 138 sq m (7a Gorse Hill). Further plans were deposited on 25<sup>th</sup> April 2014 which indicate the rear and side windows at first floor level in the rear gable end being obscurely glazed. An email was also received from the applicant confirming this.

### **Consultations**

Ravenshead Parish Council – The Parish Council objects to infill and over development of the site.

Nottinghamshire County Council (Highways) – Have advised that Gorse Hill is a private unadopted street that serves approx. 20 existing dwellings. Its access point with the public highways has good visibility in both directions and is wide enough to allow two vehicles to pass one another.

The demolition of the existing dwelling and the construction of two new units will result in a net increase of 1 unit, which would be insignificant in terms of traffic generation from the site; therefore no highway objections to offer.

Nottinghamshire Wildlife Trust – As no ecological information appears to have been submitted with the application, would request that a protected species survey be carried out for all buildings before a planning decision is made, as the possible presence of bats within the buildings being demolished should be a material planning consideration when deciding this application. A protected species survey should be provided.

Neighbours notified by letter dated 19<sup>th</sup> March 2014 – 1 letter of objection received. Re-consultation sent on revised plans 17<sup>th</sup> April 2014 – 4 letters of objection received.

Comments received on original plans:

- Proposal does not conform with the general format of properties in the immediate vicinity which are predominantly single storey detached bungalows
- Misleading statements and errors in the Planning Statement
- Surface water drainage issues – concern that having surface water from the new dwellings drain into 2 soakaways in the rear gardens will increase the risk of water damage to properties in The Heyes, which already suffer drainage problems
- Concern about lack of screening on the rear boundary and therefore lack of privacy to property behind
- No indication given of new trees proposed on the rear boundary to provide screening
- Original consent included condition that no windows should overlook

properties on The Heyes. Other conditions relate to means of enclosure being erected before the dwellings are first occupied; all landscaping to be completed in first planting season; no development to begin until drainage plans for disposal of surface water and foul sewage has been approved by Borough Council.

Comments received on revised plans:

Description refers to reduction in size of proposed dwellings but revised plans show larger dwellings – they are now houses with 4 double bedrooms with a vast expanse of roof;

Dwellings will have 4 double bedrooms which will result in increase in residents with resultant car parking and congestion on Longdale Lane;

Whilst the height of the roof has been reduced the height of the first floor windows remains the same which will result in loss of privacy and overlooking; Redesign of dwellings significantly changes their format which is inappropriate for the area;

Properties have ignored previous concerns with regards to space and privacy between dwellings

Reducing the height of the dwellings has resulted in significant alteration to their massing, making them wider and deeper with a vast expanse of roofing – floor area has increased by approx. 35%

New dwellings closer to the properties on both sides, closer to the surrounding properties resulting in overlooking, loss of light and loss of privacy;

Substantial increase in glazing in rear elevations with full height glazing, causing direct overlooking especially as dwellings at The Heyes are at a lower level than Gorse Hill;

Concerned that new positions of dwellings will overlook habitable rooms in properties on The Heyes and reduce their privacy;

Gorse Hill is a private unmade road in very poor condition with poor visibility at the junction with Longdale Lane which will be exacerbated by the increase in occupancy from the 2 dwellings;

Surface water drainage will be collected and taken into soakaways 3m from the boundary with properties in The Heyes which will increase existing drainage problems;

Screening details on the application appear incorrect and need to be considered and addresses prior to any approval being given;

The plans show 4 new trees planted inside the Western boundary to provide screening but no indication given of their proposed height. These should be conditioned to provide permanent screening;

Original consent included condition that no windows should overlook properties on The Heyes. Other conditions relate to means of enclosure being erected before the dwellings are first occupied; all landscaping to be completed in first planting season; no development to begin until drainage plans for disposal of surface water and foul sewage has been approved by Borough Council.

Concerned that the conservatory to the rear of 9 Gorse Hill is not shown on the plans, and that the proposed dwellings will take away the privacy currently enjoyed within this.

## **Planning Considerations**

The main planning issues involved in the determination of this application are whether the proposed development would have a material impact on the character and appearance of the site and wider street scene, whether the proposal would have an adverse impact on the amenities of neighbouring properties and any highway safety issues.

The relevant national Planning Policy Guidance in respect of these matters is set out in the National Planning Policy Framework (March 2012). The core planning principles set out in the guidance is a presumption in favour of sustainable development. In particular the following chapters are relevant in considering this application:

6. Delivering a wide choice of quality homes
7. Requiring good design

Section 6 of the NPPF states inter alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

- Policy ENV1 (Development Criteria)
- Policy H7 (Residential Development On Unidentified Sites Within the Urban Area and the Defined Village Envelopes)
- Policy H16 (Design of Residential Development)

Policy ENV1 requires development to be of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials. Proposals should not have a significant adverse effect on the amenity of neighbouring occupiers by reason of the level of activities on the site or the level of traffic generated. In addition appropriate parking and provision for the safe and convenient access and circulation of pedestrians and vehicles should be made.

Policy H7 states planning permission will be granted for residential development within the urban area provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials. This

Policy also sets out that proposals should not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

Similarly Policy H16 requires dwellings, inter-alia, to be of a high standard of design which have regard to the surroundings, and sited and designed to relate to each other and to the roads, footpaths and open spaces in the surrounding layout and not adversely affect the area by reason of their scale, bulk, form, layout or materials.

In respect to parking, regard should be had to the Borough Council's Supplementary Planning Document 'Parking Provision for Residential Developments' (May 2012).

#### Impact on the character and appearance of the area.

Given that the site is within an urban residential area there would be no objections in principle to residential development on this site. Planning permission was granted in 2013 for the erection of an additional bungalow following demolition of the existing garage and retention of the host dwelling. The principle of development of this plot to house 2 dwellings side by side has therefore already been established. Whilst a modern design is proposed this is of a high quality and will sit comfortably within the street scene within Gorse Hill.

#### Impact on the amenities of nearby properties

The planning decision for this earlier proposal included a condition that no windows shall be inserted in the first floor gable of the proposed new dwelling or existing dwelling at 7, Gorse Hill facing properties on The Heyes at any time. In addition, rooflights were to be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room which the rooflight serves. However the dwellings to which this condition referred had a far greater depth on the site, extending back to match the existing dwelling at 7 Gorse Hill so that there was a gap of just 3m between the rear boundary of the site and the dwelling. The insertion of windows at first floor level on this rear elevation would therefore have resulted in overlooking and loss of privacy.

In determining this application, I am therefore of the view that given that the planning permission granted in January 2013 remains extant at this time, consideration should take into account of the fall back position for the demolition of the existing garage and the erection of one new dwelling on the undeveloped site.

The current proposal has been designed to take into account the impact on neighbouring dwellings in terms of residential amenity. The main rear elevation of each proposed dwelling is set a minimum of 11m from the rear boundary. To the rear of the site lie 2 dwellings in The Heyes – a 2-storey detached dwelling at 10, The Heyes which has its side elevation facing the application site, and a bungalow at 12, The Heyes which has a rear elevation facing the application site. There is a minimum gap of 23.5m between the main rear elevations of 12, The Heyes and 7, Gorse Hill. It is noted that the design includes a rear protrusion to the dwelling that will come within this distance, however it is suggested that a condition be imposed in any forthcoming approval to ensure that windows at first floor level (ie.

to Bedroom 4) are obscurely glazed so that there will be no resulting loss of privacy or overlooking.

A group of 4 trees is indicated on the boundary between these 2 properties, and so a condition is also recommended requiring screening of at least 2m in height to reduce any further loss of amenity to that property. It is noted that there is a difference of levels with dwellings on The Heyes being set down 1.5m from the dwellings in Gorse Hill.

The side elevation of the dwelling at 7 Gorse Hill will be set 1.8m from the side boundary with 9, Gorse Hill, and given that there is a gap of 8.7m between the side elevation of that property and the proposed dwelling with a detached garage between loss of amenity to that existing property is considered unlikely. However again a condition is recommended that will ensure adequate screening from that property. The only window in the side elevation of the new dwelling is a kitchen window which will be level with the garage so that overlooking or other loss of amenity would be unlikely to result.

The dwelling at 5 Gorse Hill extends to some depth, and is 1m from the side boundary. Due to the levels in Gorse Hill this property is at a slightly lower level than the application site. The only window facing in that direction are windows in the side elevation of the rear projection, which is some 9.5m from the mutual side boundary. However the applicant has submitted plans showing that the rear and side windows in the first floor of the rear gable end to be obscurely glazed.

There is natural planting that provides screening to this boundary. Whilst there are windows in the existing side elevation of 5 Gorse Hill including a lounge window it is considered that the provision of screening up to 2m in height will prevent any loss of privacy. The proposed dwelling at 7a Gorse Hill has a depth that is 8m, and just part of the depth of the neighbour at 5 Gorse Hill so that loss of light or overshadowing is considered unlikely.

The scale and massing of the proposed dwellings are considered to be appropriate for this site, providing a smaller depth to the dwellings than the 2 bungalows previously approved which had a wider roof span and took more of the plot. The dwellings are set behind flat-roofed double garages, and each will have a good sized garden area to the rear.

With regards to the proposed materials, there is a mix of property styles and materials on Gorse Hill (including brickwork, stonework, timber panelling and white render to walls and differing roof tiles) and within Ravenshead as a whole. It is therefore considered that the proposed cream render and slate roof will result in dwellings that will fit comfortably into the street scene.

#### Highway Safety and other issues

The proposed parking meets the minimum requirements of the Borough Council's 'Parking Provision for Residential Developments' SPD which requires 2 parking spaces for a four-bedroomed property in this location. The Highways Authority has advised that they have no objections to the proposal, pointing out that Gorse Hill is a



private unadopted street that serves approx. 20 existing dwellings. Its access point with the public highway has good visibility in both directions and is wide enough to allow two vehicles to pass one another. The demolition of the existing dwelling and the construction of two new units will result in a net increase of 1 unit, which would be insignificant in terms of traffic generation from the site. There are therefore no highway objections to the proposal.

The Wildlife Trust have commented that no protected species survey has been submitted with the application. However the applicant has confirmed that the garage has been in use until only recently. It is therefore unlikely that protected species would be found. Whilst ideally all matters relating to protected species should be dealt with prior to any application being determined, it is considered that this can be dealt with through the imposition of a planning condition. No condition was suggested at the time of the 2012 application but the Wildlife Trust advised that the applicant should be made aware of their legal obligations regarding any bats that might be found during works. There is also separate legislation that exists to protect bats should they be found and planning permission does not override this. It is recommended that a condition be imposed requesting submission of a Protected Species Survey prior to demolition of the garage, and also that the applicant be made aware of the duties in respect of Bats and other Protected Species.

The concerns about drainage are noted, however these are issues that are beyond the scope of planning since drainage is properly a matter covered under Building Regulations Approval.

### Conclusion

For the above reasons, it is considered that the proposed chalet bungalows are of an acceptable size, design and layout and would have no undue impacts on neighbouring amenity or the character of the area. There are no highway implications. The proposal therefore complies with the National Planning Policy Framework (2012) Policies ENV1, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

### **Recommendation:**

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

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved plans (drawing no. 11044/12 and 11044/13 deposited 15th April 2014 and 11044/10A and 11044/11A deposited 25th April 2014).
3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a sample of the materials to be used in the

external elevations of the proposed development. The development shall be constructed in accordance with the approved details.

4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the position of the means of enclosure of the site. The means of enclosure shall be erected in accordance with the approved details prior to the dwelling being first occupied.
5. Prior to the demolition of the existing garage a protected species survey shall be undertaken and submitted to the Borough Council. No development shall commence until the applicant has secured the implementation of a programme of mitigation for protected species using the site in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
6. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The landscape scheme hereby approved shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
7. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of surfacing of the unbuilt portions of the site. The means of surfacing shall be erected in accordance with the approved details prior to the dwelling being first occupied.
8. The development hereby permitted shall not commence until the drainage plans the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
9. The development hereby approved shall be carried out in accordance with the findings and recommendations of the White Peak Tree Consultancy Ltd. tree survey 'A predevelopment appraisal of the trees at and adjacent to 7 Gorse Hill, Ravenshead' January 2013.
10. No part of the development hereby approved shall be brought into use until all drives and parking areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and parking areas shall then be maintained in such hard bound material for the life of the development.
11. No works permitted under Class A, B, C and E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be

undertaken without the prior written permission of the Borough Council as local planning authority.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. To ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
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7. 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).
8. 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.
9. In the interests of good arboricultural practice and 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).
10. In the interests of highway safety and to reduce the possibility of deleterious material being deposited on the highway (loose stones etc).
11. To protect the character of the area and the amenity of adjoining and nearby dwellings, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2008).

### **Reasons for Decision**

In the opinion of the Borough Council the proposed dwellings are of an acceptable size, design and layout and would have no undue impacts on neighbouring amenity or the character of the area. There are no highway implications. The proposal

therefore complies with the National Planning Policy Framework (2012) and Policies ENV1, H7 and H16 of the Gedling Borough 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. It has done this by undertaking negotiations during the consideration of the application to address concerns in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation.

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).

Your attention is drawn to the attached comments of Nottinghamshire Wildlife Trust drawing your attention to your legal obligations should any bats be found during development.

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

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.

## ACTION SHEET PLANNING DELEGATION PANEL 11th April 2014

2014/0121

Farmfoods Ltd 5 Plains Road Nottingham

Replacement automatic sliding doors and installation of ATM

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

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

Decision to be issued following completion of paperwork.

**SS**

2014/0216

22 Avondale Road Carlton Nottinghamshire

Double storey side extension and single storey rear extension

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

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

Decision to be issued.

**SS**

**NM**

**11th April 2014**

**ACTION SHEET PLANNING DELEGATION PANEL 25th April 2014**

2013/1171

330-332 Carlton Hill Carlton Nottinghamshire

Alterations to existing shop front; removal of 1 no. entrance door, replacing the remaining existing manual swing door with an automatic bi parting sliding door.

- Additional external ATM to South elevation

- Car park layout revised

- Additional condenser unit and air conditioning units added at car park level with associated timber fence enclosure.

The proposed development would have no adverse impact on the amenity of the surrounding area.

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

Decision to be issued following completion of paperwork.

**SS**

2014/0234

21 Blenheim Avenue Mapperley Nottinghamshire

Proposed dwelling with garage omitted (Revised Plans and Design and Access Statement)

It is acknowledged that the proposal could have some impact on the amenity of neighbouring residents, on balance given existing relationships between properties and the relationship between the proposed new dwellings the proposal is considered acceptable.

Procedural issues and concerns about the quality of the plans have been raised through the Neighbour Notification process; however the Case Officer has addressed the issues.

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

Decision to be issued following completion of paperwork.

**SS**

2014/0242

Land Adj 4 Northcliffe Avenue Nottingham NG3 6DA

Construct 4 New Detached Dwellings

Further discussions are to take place with the Applicant, and as a result the application was withdrawn.

2014/0243  
182 Porchester Road Nottingham NG3 6LG  
Erect new 1 bedroom flat

The proposed development would have an adverse impact on the street scene, due to the scale and bulk of the extension and its relationship with a neighbouring bungalow.

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

Decision to be issued following completion of paperwork.

**SS**

2014/0248  
46 Third Avenue Carlton Nottingham  
Single storey extension of existing kitchen and conversion of existing garage to office.

Objections for this application had been expected, however no objections have been received and the Case Officer has no planning concerns in relation to the proposal. The application was withdrawn from the agenda.

2014/0319  
7 Gorse Hill, Ravenshead Nottinghamshire  
Demolition of bungalow and garage and construction of two chalet format houses with integral garage and access.

The proposed development does raise planning issues in relation to design and impact on the residential amenity of neighbouring properties.

**The Panel recommended that the application be referred to Planning Committee**

**JC 25th April 2014**

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## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 14 May 2015

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

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

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2013/1406	Land North of Papplewick Lane, Linby.	Demolition of two properties on Papplewick Lane to provide access for a residential development, education provision, public open space and attenuation ponds with access defined and all other matters reserved.	TBC
2013/1010	Georges Lane Burial Ground, Calverton.	Change of use of agricultural field to create natural burial ground with associated car park.	TBC
2013/1317	The Hollies, Ravenshead.	Demolition of existing bungalow at 37 Sheepwalk Lane with associated garage and erection of 12 new apartments.	TBC
2014/0214	Bestwood Business Park, Park Road, Bestwood.	Outline planning application for residential development of up to 220 dwellings, open space, landscaping, attenuation areas, access roads, associated works and demolition of the existing buildings. Detailed approval is sought for access arrangements from High Main Drive, with all other matters	TBC

		to be reserved.	
2014/0238	Land West of Westhouse Farm, Moor Road, Bestwood.	Proposed residential development for 101 dwelling units, new access, amenity space, open space.	TBC
2014/0169	Gedling Care Home, 23 Waverley Avenue, Gedling.	Demolition of the care home and construction of 14 apartments, car parking and associated landscaping.	TBC
2014/0273	Land At Corner Of Longdale Lane And Kighill Lane, Ravenshead.	Site for residential development.	TBC
2014/0136	Land South of Colwick Loop Road, Colwick.	Discharge Condition 4.	TBC

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

**Recommendation:**

To note the information.