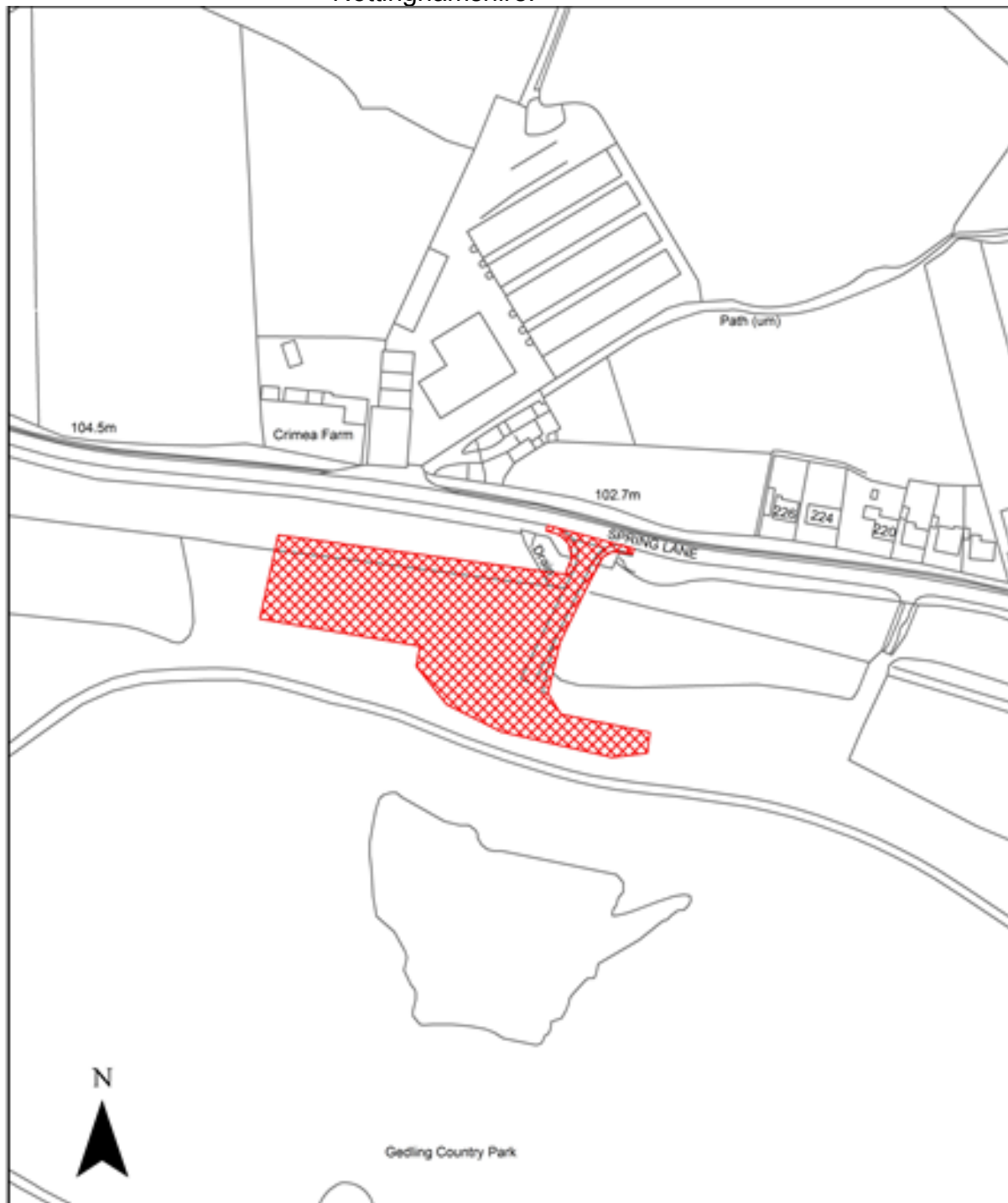




**Application Number:** 2016/0788

**Location:** Gedling Country Park, Spring Lane, Gedling,  
Nottinghamshire.



**NOTE:**

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

**Application Number:** 2016/0788

**Location:** Gedling Country Park, Spring Lane, Gedling,  
Nottinghamshire.

**Proposal:** Erection of Visitors Centre for Country Park (sui generis) comprising Cafe and WC building; associated landscaping and external works; new paths; foul and surface water drainage provision; site lighting; external air source heat pump condenser compound; and removal of trees. Creation of 36 space car parking and 2 space coach parking and turning, retention of existing 64 space car parks.

**Applicant:** Mr David Wakelin

**Agent:** Mr Mike Harrison

**Case Officer:** David Gray

**This application is being brought to Committee due to the applicant being Gedling Borough Council.**

### **1.0 Site Description**

- 1.1 The application site relates to an area of land within the car park serving the Gedling Country Park, the site of the former Gedling Colliery which covers an area of approximately 110 hectares. The Country Park provides a number of recreational facilities such as picnic areas, walks and potential play areas.
- 1.2 The main visitors' car park is accessed from Spring Lane and is sited towards the northern boundary of the site.
- 1.3 The nearest residential properties are to the north and north-west of the site.

### **2.0 Relevant Planning History**

- 2.1 2015/1228 – To allow the installation of a climbing unit in the Junior Play area at Gedling Country Park, off Spring Lane, Gedling. Conditional Permission 26/11/2015
- 2.2 2015/0954 – Create snack van hardstanding area in Gedling Country Park. Conditional Permission 20/10/2015

- 2.3 2014/0650 – To allow the change of use of land from public car park (sui generis) to a pitch for the siting of an ice cream van (A1 use). Conditional Permission 10/07/2014
- 2.4 2012/1456 – Creation of a country park, including a new access road, car park for 40 spaces and surfaced paths. Conditional Permission 11/04/2013

### **3.0 Proposed Development**

- 3.1 This application seeks consent for the erection of a Visitors Centre within Gedling Country Park. The building would be located to the north of the Country Park, near to the existing car parking areas accessed from Spring Lane. The building would have two 'blocks' (east and west) connected by a roof canopy. The internal floor area of the Centre would be 278m<sup>2</sup>, with a maximum height from ground level 5.2m.
- 3.2 A café and WC facilities would be provided within the Visitor Centre. An outside seating area for the Café would be created to the southern and eastern elevations of the development.
- 3.3 Associated landscaping and groundworks are proposed to allow safe access and egress for users of the Centre. Also proposed is a 36no space car park to the north of the existing car park, as well as coach parking and turning facilities for a maximum of 2no coaches.
- 3.4 The proposed development would relocate the height restriction barrier to further within the site. The height restriction would only be lifted when coaches are entering the site.

### **4.0 Consultations**

- 4.1 Neighbouring properties were notified and 2no Site Notices were posted near to the site. A press notice was also published.

Three representations have been received to date, one being a duplicate. Comments can be outlined as follows:

- ☐ Insufficient screening from car parks resulting in overlooking to neighbouring properties. Layout of new car park is deceptive and suggests there is plenty of vegetation, this is not the case.
- ☐ Increase of noise from users of the Country Park, nearby building work and traffic
- ☐ Peace and tranquillity of the Park will go out of the window
- ☐ Dog walkers, runners etc. have a perfectly good time without the need for somewhere to sit and eat
- ☐ More of the Park will be sacrificed for ever-increasing parking needs
- ☐ If government is serious about tackling obesity crisis – proliferation of cafes has to stop.
- ☐ Proposals will turn Gedling Country Park into something resembling

Rufford Country Park – overcrowded, noisy, commercial venture with nothing much of ‘country’ left about it

- Proposed visitor centre is about making money dressed up as ‘essential’ community facility and that any implications for the environment, local residents and also the wildlife are of no consequence.
- The erection of a Visitor Centre and Café will take away the simple and unspoilt beauty of this Park
- Coach parking would exacerbate the situation [of number of people visiting the Park] – coach facilities for two coach only, what if third coach arrives?
- Entrance gate to be repositioned – provision to prevent Travellers, caravans and vehicles entering the site
- Elaborate and expensive project, money would be better spent on enhancing the existing natural environment
- Bind weed and reeds in lagoons are becoming a growing problem which needs to be addressed.

#### 4.2 Natural England - no objection;

The proposal is unlikely to affect any statutorily protected sites or landscapes.

It is considered the area could benefit from enhanced green infrastructure (GI) provision and would encourage the incorporation of this into the development.

Apply Natural England Standing Advice for impacts on protected species.

#### 4.3 Public Protection – Scientific Officer –

(Phase I and Phase II) no objection subject to conditions being attached to favourable recommendation;

Remediation Statement to be submitted outlining the final design of the ground gas protection measures, standard condition to be attached to favourable recommendation,

With regard to the gas protection measures, ensure that membranes have been correctly installed and verified before the final floor finish has been applied

#### 4.4 Nottinghamshire County Council Landscaping – no objections;

Visual impact would be negligible, main visual impact would be to users of the Country Park. During construction, visual impact would be moderate/major adverse reducing to negligible on completion.

Proposed new car park is well screened by the landform to the south, trees to the north and will be screened from the west by the proposed new planting.

Proposed development is in line with the recommended Landscape Actions

for Policy Zone MN043 in the Mid Nottinghamshire Farmlands character area. Detailed planting proposals should be provided as a planning condition – native species should be used.

Removal of trees/vegetation should be outside the bird nesting season. Arboricultural assessment should include a method statement for the protection of trees during construction and a plan showing the root protection areas/fenced areas.

Drainage strategy report/drawing should include cross sections of how attenuation system will be constructed.

4.5 Nottinghamshire County Council Landscape and Reclamation Team –

I would request that the Phase I Desk Study and the Drainage Strategy referred to in the Design and Access Statement is supplied, the latter as I have concerns regarding the location of the suds water feature on the southern slope of the visitor centre, the discharge of the surface water runoff feature *should be*...

Our usual comment regarding the potential for unexpected contaminated material being encountered during site excavations stands and is supported by a caveat in the report.

The application is supported subject to the comments made above and subject to receiving a satisfactory Desk study and Drainage Strategy documents

4.6 Gedling Borough Council Waste Services – no comments

4.7 Environment Agency – no objections, the site has few constraints as it falls within Flood Zone 1 therefore the Lead Local Flood Authority should be consulted on surface water drainage arrangements. It should be noted that the proposed package treatment plant may require an environmental permit.

4.8 Nottinghamshire County Council Forestry Officer – no concerns regarding the loss of low value trees identified within the site would require Arboricultural Report before passing further comment.

4.9 Nottinghamshire County Council Ecology – the site is not covered by any nature conservation designations.

The application is supported by an Ecological Appraisal, dated July 2016. Unfortunately, the survey area does not cover the whole of the application site, with the proposed area of new car parking omitted (although marked on the Phase 1 Habitat Plan); no explanation is provided for this in the survey report.

Notwithstanding this omission, the following is noted:

The application site supports a range of habitats, including semi-improved

neutral grassland (of moderate diversity), semi-natural and plantation broad-leaved woodland, scrub, hedgerows and trees. It is assumed that the grassland area coinciding with the location of the new car park and omitted from the survey area is similar in character to the other grassland within the survey area.

Proposals will result in losses to semi-improved neutral grassland and scrub, and small areas of woodland.

No evidence of protected species was found on the survey area, although as already noted, part of the application site was not covered by surveys. The site has some potential to support reptiles, notable invertebrates (including dingy skipper butterfly) and foraging bats.

The following mitigation measures relating to species should be secured through condition(s):

- ☐ The control of vegetation clearance during the bird nesting season (which runs from March to August inclusive)
- ☐ The production of Precautionary Methods of Working in relation to reptiles, prior to commencement (as recommended in section 4.28 of the Ecological Appraisal).
- ☐ The creation of replacement habitat for dingy skipper (see below)
- ☐ A pre-commencement walkover survey to confirm that the site remains free of any badger activity (noting that badgers occur elsewhere on site and could therefore colonise the application site).
- ☐ The production of a detailed Lighting strategy, to accord with the recommendations made in section 4.14 of the Ecological Appraisal, and the Bat Conservation Trust's 2014 publication '*Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting*'

In terms of mitigating against habitat loss, and also delivering ecological enhancement, the following should also be secured through condition(s):

- ☐ The use of temporary fencing to protect trees and other retained vegetation during construction.
- ☐ The production of a detailed Landscaping Scheme, to include species mixes, establishment methods and maintenance regimes, and to ensure the use of native species of tree and shrub, appropriate to the local area, as well as wildflower seed mixes and wetland planting. It is suggested that the 'Picnic Meadow' is seeded with a 'flowering lawn' mix which will provide an attractive area tolerant of regular mowing.
- ☐ A Habitat Creation Strategy, to cover -

The salvage and temporary stockpiling of the top 100mm of low-nutrient, seed-bearing substrate in all areas to be affected by the development that currently support semi-improved neutral grassland;

- The creation of a south-facing 'butterfly bank' using surplus soils (see also below), topped with the aforementioned substrate, along the northern side of the new car parking, to provide replacement dingy skipper habitat

#### 4.10 Gedling Borough Council (Planning Policy) –

No objections provided Development Management are satisfied with that the design of the proposals meet the requirements of Policies LPD ENV1 and LPD 35 and does not result in a significant adverse visual impact or significant adverse impact on the landscape character in line with ACS Policy 1 and LPD Policy 19.

#### 4.11 Nottinghamshire County Council (Highways Authority) –

Section 5.1.6 of the Transport Statement predicts that there would be no significant increases in vehicles; however there is no empirical data provided which sets out to support this claim. Also, there are an additional 36 spaces being provided to serve the site, so unless the existing parking provision is running well above capacity, this would indicate that there would be a significant increase in vehicles predicted.

Section 5.1.7 goes on to say that as significant increases are not predicted, no further assessment of the site or junction was carried out. The Highway Authority is of the opinion that there should be further assessment of the likely highway related implications to ensure that the appropriate type of junction is proposed, and also to ensure that the proposal would not have any detrimental impacts on highway safety.

The vehicle flows to and from the site is currently being recorded using an automated traffic counter. The data from this indicates that the peak hour vehicle flows are in excess of that contained in the section 5.1 of the Transport Statement, sometimes over twice as much as the predicted figure. This contradicts section 5.1.6 of the Transport Statement which indicates that the TRICS predictions for vehicle generation are likely to be an over estimation.

The existing vehicle flow data provides an accurate basis of the existing situation, and will be obviously much more precise to the site compared to the TRICS analysis. In view of this, we consider that this should form the base-line when assessing the likely implications associated with the development.

Taking into account the above, the Highway Authority is of the opinion that the junction needs further assessment as there is unsatisfactory data and analysis on the potential increase in vehicle generation to assess the likely implications associated with the proposal.

Further to the comments above the applicant has commissioned a Transport Planner to do a snap count, during the parks busiest times to assess the following:

- ☐ Speed of traffic on Spring Lane
- ☐ Number of vehicles turning into the site
- ☐ Number of vehicles travelling down Spring Lane.

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

5.1 The application site is part of the Gedling Colliery Park (Policy ENV44) as identified on the Proposals Map of the Gedling Borough Replacement Local Plan (2005).

### **5.2 National Planning Policy**

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

- ☐ 7. Requiring good design (paragraphs 56-68)
- ☐ 8. Promoting healthy communities (paragraphs 69-78)
- ☐ 11. Conserving and enhancing the natural environment (paragraphs 109-125)

5.4 The following saved policies of the Gedling Borough Replacement Local Plan (2005) (Saved Policies 2014) are relevant to this planning application:-

- ☐ ENV1: Development Criteria
- ☐ ENV43: Greenwood Community Forest
- ☐ ENV44: Gedling Colliery Park
- ☐ R1: Protection of Open Space.

### **5.5 Aligned Core Strategy**

The Aligned Core Strategy was adopted in 2014 and it is considered that the following policies are relevant:

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

### **5.6 The Local Planning Document**

5.7 The Local Planning Document (LPD) for Gedling Borough was approved for publication by Council at its meeting on 20<sup>th</sup> April 2016 and was published for a six week consultation on 23<sup>rd</sup> May 2016 ending on 4<sup>th</sup> July. Paragraph 216 of the NPPF sets out that from the day of publication weight may be given to relevant policies in emerging plans according to:

- ☐ The stage of preparation (the more advanced the preparation, the greater the weight that may be given);
- ☐ The extent to which there are unresolved objections (the less



significant the unresolved objections, the greater the weight that may be given); and

- ☐ The degree of consistency with the NPPF (the greater the consistency, the greater the weight that may be given).
- ☐ Following publication and prior to the consideration of all comments received it is recommended that only limited weight can be given to the LPD.

Relevant policies in the LPD include:

- ☐ LPD 4 Surface Water Management
- ☐ LPD 19 Landscape Character and Visual Impact
- ☐ LPD 20 Protection of Open Space
- ☐ LPD 23 Greenwood Community Forest and Sherwood Forest Regional Park
- ☐ LPD 32 Amenity
- ☐ LPD 35 Safe, Accessible and Inclusive Development

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

- ☐ The Principle of Development / Proposed Use;
- ☐ Transport and Highways;
- ☐ Nature Conservation / Ecology;
- ☐ Local Landscape and Visual Impact;
- ☐ Contamination;
- ☐ Cultural Heritage;
- ☐ Local Residents / Amenity
- ☐ Surface Water Drainage
- ☐ Public Benefit

## **6.0 The Principle of Development / Proposed Use**

- 6.1 The planning application is for the erection of a Visitor Centre for the recently opened Gedling Country Park comprising a café and WC; landscaping and external works; new paths; surface water drainage provision; site lighting; and the creation of a 36 space car park.
- 6.2 The Country Park was granted planning permission in 2012 (2012/1456) and is now open to the public. The planning application for the Country Park submitted in 2012 included a masterplan showing the location of a potential new Visitor Centre but planning permission was not sought at that stage.
- 6.3 The application site is part of the Gedling Country Park (Policy ENV44) as identified on the Proposals Map of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014). ENV44 sets out the Gedling Council would work with Greenwood Community Forest Partnership to provide public open space at Gedling Colliery. Policy ENV43 of the GBRLP looks to secure new tree or woodland planting as part of the development. LPD Policy 23 states that planning permission will be granted for development which supports the aims and objectives of the Greenwood Community Forest.

- 6.4 Policy 16 of the ACS states that existing and potential green Infrastructure corridors and assets should be protected and enhanced. The Policy identifies the Urban Fringe areas (which include the former Gedling Colliery) as priority areas for the location of new enhanced strategic Green Infrastructure.
- 6.5 GBRLP Policy R1 and LPD Policy 21 seek to protect public open space and state that planning permission will not be granted for development although both policies list exceptions including development which would enhance or improve the recreational or sporting potential or quality of the site.
- 6.6 It is noted that the proposed Visitor Centre formed part of the overall vision and master planning of the Country Park when it obtained planning permission in 2012.
- 6.7 It is my opinion that the proposed Visitor Centre would support the use of the Country Park providing facilities and the development would enhance the parks attractiveness as a recreational destination. It is my view that the proposal therefore generally accords with the requirements of Policies GBRLP ENV1, R1, ENV43, ENV44, LPD 21 and LPD 23.

## **7.0 Transport and Highways**

- 7.1 I note the comments from Highways Authority in relation to the submitted Transport Assessment. In light of the comments received the agent has instigated further assessment on the potential increase in vehicle generation to assess the likely implications associated with the proposal, specifically the introduction of a Visitor Centre to the Country Park.
- 7.2 I also note that the Country Park is an existing facility which generates a significant amount of traffic and the implementation of this development would increase the capacity of the car parking provision on the site with the potential to alleviate existing on-street car parking on Spring Lane during peak times of use.
- 7.3 Considerable highways works have been undertaken on the junction into the Country Park to facilitate the existing facility. The number of vehicle movements into the site is not anticipated to increase as a result of the development.
- 7.5 I am satisfied given that the junction into the site and the surrounding land is within ownership of the Gedling Borough Council, that any potential mitigation / junction improvements that would be required in light of the further assessment could be adequately provided. I am also of the opinion, given that the Country Park is an existing facility, that the increase in onsite car parking provision could be seen as a planning gain alleviating existing on street car parking problems on Spring Lane.
- 7.4 In light of the Highways Authority's comments and the further assessment that is to be undertaken by the applicant, I consider it to be appropriate to attach conditions to any approval requiring the additional data to be submitted to the

Borough Council and any mitigation required to be approved in writing prior to the development taking place.

## **8.0 Nature Conservation and Ecology**

- 8.1 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles. Where significant impacts cannot be adequately mitigated then permission should be refused and if the proposal affects a Site of Special Scientific Interest or ancient woodland the benefits of the development would need to outweigh the harm to the nature conservation interest.
- 8.2 I note that the site is not covered by any statutory nature conservation designations. And that the application is supported by an Ecological Appraisal dated July 2016.
- 8.3 I note the comments from the County Ecologist, the site supports a range of habitats, and the proposals would result in losses to semi-improved neutral grassland and scrub, and small areas of woodland. I also note that whilst no evidence of protected species was found in the area the site has the potential to support reptiles, notable invertebrates (including the dingy skipper butterfly) and foraging bats.
- 8.4 I note that a landscape strategy has been submitted with the application which proposes further native woodland planting to screen the car park from the centre. It is my view these landscape improvements would enhance the biodiversity on the site.
- 8.5 In terms of mitigation against habitat loss, and in line with the requirements to deliver ecological enhancement, should planning permission be forthcoming I would suggest attaching appropriate conditions to cover a Landscaping Scheme, Habitat Creation Strategy and a south-facing butterfly bank as suggested by the County Ecologist.
- 8.6 I would also attach conditions relating to vegetation clearance, and the additional requirements of the ecological appraisal as advised.
- 8.7 It is my opinion, given the former use of the site as a colliery, the potential to mitigate for any adverse impacts on local wildlife and ecology, and the landscape plan requirement to mitigate for the loss of habitat and biodiversity; the proposed development could be seen as a facilitator to enhanced biodiversity where mitigation can be sought to replace and enhance any habitats that would be lost or damaged. In this regard I would attach significant weight to the ongoing ecological enhancements at the Country Park.

## **9.0 Design**

- 9.1 Paragraph 56 of the National Planning Policy Framework refers to good

design. The design and layout of the Visitor Centre and associated development, car park and footpaths should meet the criteria set out in Policy ENV1 of the Replacement Local Plan, in particular (a) it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials, and (b) it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. Whilst LPD Policy 35 can only be given limited weight it includes a number of important criteria including LPD 35 a) ii. Providing clear and safe links to existing routes and LPD 35 a) v. regarding the need to take into account the needs of all users.

- 9.2 Paragraph 69 of the NPPF states that planning should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, safe and accessible environments where crime and disorder do not undermine quality of life or community cohesion and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 9.3 The proposed visitor centre would be orientated so the main entrance addresses the primary route from the existing car park and the main footpath around the site. A new accessible stepped path would lead visitors to the main entrance. Landscaped beds either side of the approach would signpost the entrance and provide wildlife habitats. Visitors would also be able to follow informal routes down the proposed grass slopes around the building.
- 9.4 The design of the visitor centre would incorporate a stepped terrace constructed of stone filled gabions which would rise out of the ground to the east of the proposed café. The terrace would face a new children's play area and would provide formal and informal seating areas. There would be an external serving hatch to allow visitors to purchase refreshments without having to enter the building allowing supervision of children and bicycles etc. To the north of the visitor centre a poor quality tree would be removed and the existing grassland would be re-landscaped to improve the setting of the building on the approach from Spring Lane and the view from the terrace. South of the building the existing ground would be regraded to provide a level terrace below the canopy. This area would have vistas over the park over planting around the new surface water drainage catchment and the tree line. The ground to the west of the building would be cut away to set the building into the site behind a stone filled gabion retaining wall.
- 9.5 The building itself was conceived as a reflection of the site's past and future. It would comprise two angular blocks clad in dark grey cladding reminiscent of the coal formally mined on the site. The cladding would be arranged in a geometric pattern similar to the crystalline patterns found on the surface of coal. Each block would have slightly different functions, the eastern block housing the proposed café and the western the WC's.
- 9.6 A number of deeply recessed openings are set into the blocks for the large

external doors and windows. All would be fitted with security shutters. Linking the two blocks would be a glazed element forming the main entrance designed so visitors can see through this element into the Country Park. Over sailing the main entrance would be a large canopy supported on subtly canted columns. This canopy would follow the existing slope appearing to float above the blocks. Covering the structure are dark grey corrugated fibre cement sheets with the underside softened by being clad in timber board. Photovoltaic panels are proposed on the south facing canopy to supply the building with its energy needs.

- 9.7 Having considered the overall design of the proposal I consider that an imaginative contemporary building as proposed is appropriate for the Country Park and its setting with the landscaping proposals helping to integrate the building within its surroundings. The building would act as a focal point and would make best use of vistas over the country park. I also consider that access to a facility such as this would reflect the broad aims of paragraph 69 of the NPPF, encouraging inclusive communities with high quality public space which would encourage the active and continual use of the Country Park.

## **10.0 Local Landscape and Visual Impact**

- 10.1 Policy 10 of the Aligned Core Strategy and LPD 19 state that new development should protect, conserve or enhance landscape character in line with the Landscape Character Assessment. The application site falls within the Policy Zone MN013 – Gedling Colliery Green Space as identified in the Greater Nottingham Landscape Character Assessment (2009). The Landscape Character Assessment provides information on the ‘strength of character’ and ‘landscape condition’ of each Policy Zone. The ‘strength of character’ of a Policy Zone takes account of (i) the sense of place (ii) the distinctiveness of the pattern of features (iii) the quantity of distinctive features, and (iv) historic patterns of features and features that may have declined. The ‘landscape condition’ considers the state or intactness of landscape features and judgements have been made as to how the identified characteristics have a positive influence on the landscape. For Policy Zone MN013 Gedling Colliery Green Space, the landscape condition is defined as ‘moderate’ and the landscape character is ‘weak’.
- 10.2 The overall landscape strategy is ‘enhance and restore’ and it is recommended to:
- enhance and integrate the restored colliery spoil heap into adjacent open space through new linear planting;
  - conserve and enhance the woodland planting on the restored land and promote new planting to integrate the area into the surrounding landscape;
  - conserve and enhance the woodland surrounding the recreation ground and golf course to strengthen the enclosed wooded character of green space;
  - enhance the disused railway track through management of the vegetation to ensure it fulfils its potential as a distinctive feature;

- conserve and enhance the long views from the higher grounds, using the highest land as a managed vantage point;
- conserve and enhance the condition of the hedgerows which surround the rough grassland fields through careful management and replacement planting where gaps are appearing;
- ensure development is in keeping with the existing character of built form including heights and materials;
- ensure new development does not protrude above the colliery tip to ensure it remains indistinct within the wider landscape.

- 10.3 I note the comments from the County Landscape Department who assess the overall visual impact of the proposal as being negligible with the main impacts remaining local to the users of the Country Park.
- 10.4 I also consider that the development of the proposed car park would be well screened by the landform to the south, the proposed trees to the north and would be screened from the west by proposed new planting.
- 10.5 The landscape was historically defined by the former coal mining use and the Country Park has now been established in this location. There would be limited views to the Visitor Centre from outside the Country Park location but I consider the design would complement its setting.
- 10.6 In light of the above considerations, it is my opinion that whilst the proposal would introduce a new building, the proposal would complement the existing landscape character and the proposed detailed design and landscaping would help integrate the building into its wider setting.

## **11.0 Contamination**

- 11.1 Policy ENV3 of the RLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built on or adjoining the site. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.
- 11.3 Section 11 of the NPPF states at paragraph 109 that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from unacceptable levels of soil, air, water or noise pollution.
- 11.4 Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.
- 11.5 I note that public protection raise no objection to the proposal subject to

conditions. Should planning permission be forthcoming, in light of the above policy considerations, conditions requesting a remediation statement outlining the final design of the ground gas protection measures, and the specification for installing and verifying the installation measures before development is commenced would be attached to any approval.

## **12.0 Cultural Heritage**

- 12.1 The NPPF has a number of core principles at paragraph 17, one of which states that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. It is my opinion the development would not affect the setting of any listed buildings or locally listed buildings given the significant distances to the designated assets.

## **13.0 Local Residents / Amenity**

- 13.1 I note the comments from neighbouring residents and with regards to obesity and the increased usage of the park.
- 13.2 In paragraph 15.0 below, the merits of the proposal in terms of Public Benefit are discussed. It is my opinion the benefits to the community relate to the increased access and the continued long term viability of the Country Park making an important contribution to the health and wellbeing of the community, the Visitor Centre would also assist in supporting the provision and expansion of tourist and visitor facilities. In this regard, it is considered that the proposal has the potential to contribute positively for the benefit of the community.
- 13.3 I note the comments with regards to the peace and tranquillity of the park being compromised, however, the Country Park is an existing public open space and the Visitor Centre is proposed to serve the existing users. In light of this I do not consider that the development would result in a significant increase in noise and disturbance. I also consider that the proposal would support the existing Country Park and encourage a wider range of people to benefit from the facility.
- 13.4 I note the comments with regards to the potential environmental and ecological impacts of the proposal on Wildlife. However, I am satisfied that ecological impacts have been addressed and the proposed landscape scheme would introduce benefits for the long term biodiversity of the site.
- 13.5 I note the comments with regards to public money being spent in other areas however; I do not consider this to be a planning matter that would warrant a refusal of this application.
- 13.6 I note the comments with regards to the height restriction; however, the barrier shall only be lifted when required for the access of coaches. At all other times the height restrictions would still be in place.

## **14.0 Surface Water Drainage**

- 14.1 The site is not located with a flood risk area, however, the Environment Agency Surface Water Flood Map indicates that the former Gedling Colliery site given its topography has a number of surface water flow routes and the proposal should incorporate sustainable drainage systems and features in accordance with ACS Policy 1 and LPD Policy 4 in order to control surface water runoff.
- 14.2 I am satisfied that a suitable drainage system can be provided to deal with the risks involved. Should planning permission be forthcoming, in light of the above policy consideration, conditions would be attached to any approval requiring the submission of a suitable surface water drainage scheme to be submitted and approved prior to the development commencing.

## **15.0 Public Benefit**

- 15.1 At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 28 addressing development in rural areas. There is a strong emphasis on the need to assist economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development. Paragraph 28 states inter-alia: - 'To promote a strong rural economy, local and neighbourhood plans should: - ... support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.'
- 15.2 Paragraph 73 of the NPPF sets out that access to high quality open spaces can make an important contribution to the health and wellbeing of communities. Paragraph 74 goes on to identify that existing open space should not be built on unless:
- An assessment has been undertaken which clearly shows the open space to be surplus to requirements; or
  - The loss would be replaced by equivalent or better provision; or
  - The development is for alternative sports and recreation provision.
  -
- 15.3 Policy 16.4 of the ACS also sets out that open space should be protected from development. Exceptions may be made where the development is a small part of the Green Infrastructure network and will not be detrimental to its function. Exceptions may also be made where the open space is underused or undervalued. Alternative scheme designs that have no or little impact should be considered before mitigation is provided. Significant weight should be given to ACS Policy 16.
- 15.4 Replacement Local Plan Policy R1 identifies that planning permission will not be granted for development on open space. It also sets out a number of exceptions to this. While none of the exceptions are directly relevant to Country Parks it is considered that the provision of a Visitor Centre within a



Country Park can be supported subject to there being no conflict with the use or enjoyment of the park. I note that the proposed development would be sited on an area between the existing car park and Spring Lane and the area immediately south of the existing car park and in my view the impact on the Green Infrastructure would be minimal given that landscaping and ecology are relatively recent following the colliery closure in 1991. Whilst a small number of trees would need to be removed both in relation to the new building and in the positioning of the new car park it is proposed to introduce a landscape scheme and carry out compensatory planting. The new planting and landscaping would assist in enhancing biodiversity and would be in accordance with ACS Policies 16 and 17.

- 15.5 It is my opinion that the physical development of the Visitor Centre and associated infrastructure would have a negligible impact on the enjoyment of the wider park and on the provision of open space. I also consider that the improvements sought through the scheme would further enhance the green infrastructure of the park and improve access for all the community.
- 15.6 It is my opinion that the proposal would represent sustainable development in line with the guidance contained within the NPPF and significant weight should be attached to the benefits to the local community. The benefits to the community relate to the increased access and the continued long term viability of the Country Park making an important contribution to the health and wellbeing of the community, the Visitor Centre would assist in supporting the provision and expansion of tourist and visitor facilities. In this regard, it is considered that the proposal has the potential to contribute positively for the benefit of the community.

## **16.0 Conclusions**

- 16.1 At the heart of the NPPF is a presumption in favour of sustainable development, for decision making purposes this means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
- ☐ Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
  - ☐ Specific policies in this framework indicate the development should be restricted.
- 16.2 In light of the considerations given above in relation to :
- ☐ The Principle of Development / Proposed Use;
  - ☐ Transport and Highways;
  - ☐ Nature Conservation / Ecology;
  - ☐ Local Landscape and Visual Impact;
  - ☐ Contamination;
  - ☐ Cultural Heritage;
  - ☐ Local Residents / Amenity

- ☐ Surface Water Drainage
- ☐ Public Benefit

16.3 I consider that, on balance and taking into account the benefits that would be generated as a result of this proposal, that it would constitute sustainable development. Given the considerations set out in sections 6.0 – 15.0, above, I consider that it has been demonstrated that on balance the planning impacts have been addressed, are outweighed by the public benefits that result from the scheme, and therefore the impacts of the proposal have been made acceptable.

### **Recommendation:**

## **GRANT CONDITIONAL PLANNING PERMISSION**

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be completed strictly in accordance with the plans and application forms received on 5th July 2016, document no's: Design and Access Statement (First Issue 05/07/2016); Arboricultural Assessment (July 2016); Ecological Appraisal (July 2016); Non-residential Mining Report (51001175308001); Transport Assessment (TPLE61348); Proposed Site Plan (3100\_12\_rev C); Block Plan (3100\_11\_rev C); Site location drawing (3100\_10\_rev C); Proposed Views (3100\_16); Proposed Elevations (3100\_15\_rev B); Proposed Site Sections (3100\_13\_rev A); Landscape Strategy (1016 001) and Proposed Plans (3100\_14\_rev C).
3. Before development is commenced there shall be submitted to and approved by the Borough Council a Landscape and Ecological Management Plan which incorporates detailed landscape design proposals including details of planting and species types, tree protection measures and plans to show any changes to existing levels. Measures to be taken for wildlife protection and habitat enhancement should also be incorporated into the Plan such as precautionary methods of working in relation to reptiles, and a pre-commencement walkover to confirm that the site remains free of badger activity. The Landscape Scheme should include species mixes, establishment methods and maintenance regimes with the use of native species of tree and shrub as well as wildflower seed mixes and wetland planting. A Habitat Creation Strategy should detail the salvage and temporary stockpile of the top 100mm of low-nutrient, seed-bearing substrate in all areas to be affected by the development that currently support semi-improved grassland. The creation of a south-facing 'butterfly bank' using surplus soils, topped with substrate, along the northern side of the new car parking to provide replacement dingy skipper habitat. Once approved the scheme shall be implemented strictly in accordance with the approved details.

4. Before development is commenced precise details of any external lighting including proposed hours of use shall be submitted to and approved in writing by the Borough Council. The lighting scheme should accord with the recommendations made in section 4.14 of the Ecological Appraisal and the Bat Conservation Trust's 2014 publication 'Artificial Lighting and wildlife - Interim Guidance: Recommendations to help minimise the impact of artificial lighting. Once approved the lighting scheme shall then be installed and operated in accordance with the approved details at all times.
5. Notwithstanding the submitted details, before development is commenced a Transport Assessment showing the potential increase in vehicle generation at the junction to the Country Park shall be submitted to the Borough Council. The data should form the base-line when assessing the likely implications associated with the development.
6. Following the submission of the Transport Assessment required by condition 5, should the Highway Authority require mitigation measures, an improvements plan at the junction from Spring Lane to the Country Park shall be submitted to and approved in writing by the Borough Council. The improvements plan shall be implemented strictly in accordance with the approved details prior to the development being first brought into use and shall be retained as such for the life of the development.
7. In order to mitigate any potential ground gases the development should incorporate the installation of a gas / vapour protection membrane. The membrane should be installed by a suitably qualified person (i.e. NVQ level 2 Diploma in Sub-structure Work Occupations (Construction) - Installed of Gas Membranes, or equivalent), and the installation is inspected by a suitably qualified third party, before any floor finish is placed. A verification report should be submitted to the Council based on the Council's gas membrane proforma (available on request) including photographic evidence. The Verification Report should be submitted to the Borough Council for approval prior to the proposed building first being occupied.
8. Before development is commenced a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development 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 features shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed strictly in accordance with the approved scheme.

## **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 provision of ecological enhancements to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
4. To ensure there is no adverse impacts on the local bat population as a result of the Visitor Centre in line with paragraph 118 of the National Planning Policy Framework (March 2012).
5. In the interests of highway safety.
6. In the interests of highway safety.
7. In order to safeguard against the potential risks from ground conditions in accordance with ENV3 of the Replacement Local Plan (Certain Policies Saved 2014).
8. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development is in accordance with the fundamental aims of National Planning Policy Framework, the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008), and the Aligned Core Strategy.

### **Notes to Applicant**

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included seeking additional information in order to assess the application and its impacts. Further information was sought with regards to the Transport Assessment that was submitted in support of the application.