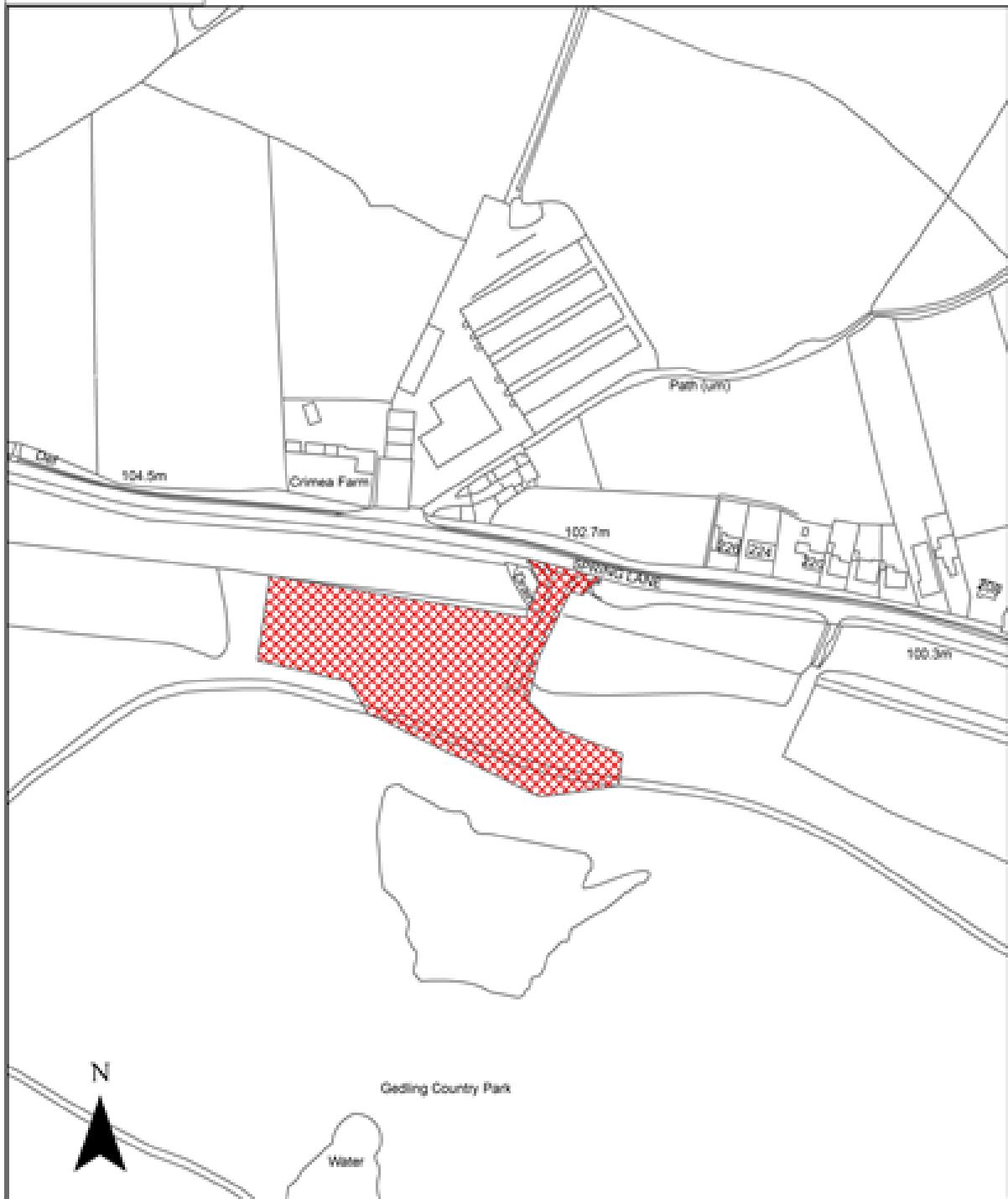


Application Number:

2016/1062

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: 2016/1062

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

Proposal: Variation of Condition 2 (2016/0788): 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, 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

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
- 2.5 2016/0788 – Erection of a 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 park / 2 space coach parking and turning; and retention of existing 64 space car parks.
- 2.6 2016/1028DOC – Discharge of Conditions in respect of planning permission 2016/0788.

3.0 Proposed Development

- 3.1 This Section 73 application is seeking a variation of condition 2 (approved drawings) and the amendment of conditions 3, 4, 5, 6 and 8 with respect to the additional details sought by conditions attached to planning permission 2016/0788 and those conditions previously approved under Discharge of Condition Application 2016/1028DOC.
- 3.2 The amendments sought seek to replace the approved plans and drawings as follows: -
 - Drawing 3100/11 Block Plan: rev C replaced by rev E;
 - Drawing 3100/12 Proposed Site Plan: Rev C replaced by Rev E;
 - Drawing 3100/13 Proposed Site Sections: Rev A replaced by Rev C;
 - Drawing 3100/14 Proposed Plans: Rev C replaced by Rev E;
 - Drawing 3100/15 Proposed Elevations: Rev B replaced by Rev D; and
 - Drawing 3100/16 Proposed Views: Rev C.
- 3.3 Effectively the amendments relate to revisions to the elevations and materials of the visitor centre and the omitting of the large canopy over sailing the entrance.
- 3.4 The layout and location of the Visitor Centre would remain as previously approved.
- 3.5 Condition 3, 4, 5, 6 and 8 of 2016/0788 read as follows:
 - 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.
 - 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.
- 3.6 The following documents and studies have been submitted to vary the conditions listed above to reflect the details of the discharge of condition application 2016/1028DOC. Varying the conditions of this application to reflect

these details is compliant with the details of the previous approval:

- Landscape and Ecological Management Plan (DSA environment and design); 1016 002 (Sheet Layout); 1016 003 (Landscape Soft Works West); 1016 004 (Landscape Soft Works East); and 1016 005 (Landscape Soft Works South).
- Transport Assessment (Curtains Ref: TPLE61348 – 22nd August 2016);
- Drainage Plan (Ref: SK401 Rev P1-1 dated July 2016).

4.0 Consultations

4.1 Nottinghamshire County Council Highway Authority –

The proposal is very similar to the previously approved scheme. The Transport Assessment submitted to support a Discharge of Condition Application 2016/1028DOC has been submitted in connection with this application.

Following submission of these details Conditions 5 and 6 have been satisfactorily discharged by the Local Planning Authority under application reference 2016/1028DOC.

4.2 Nottinghamshire County Council (Ecology) –

The results of the badger survey and accompanying constraints plan are welcomed. Provided the development is carried out in accordance with the Tomlinson Badger Protection Plan no objections are raised.

The Landscape Plans submitted reflect the pre-submission discussions with the agent, DSA.

The Ecological Management Plan is satisfactory for the details requested by the previous conditions.

4.3 Nottinghamshire County Council (Lead Local Flood Authority) –

Having considered the details submitted with the Drainage Strategy, Drawing No: GFT01085 – SK401 – P1-1, provided the development is provided in accordance with the details the LLFA raise no objections

4.4 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.

4.5 Severn Trent – No comments received.

4.6 Wildlife Trust – No comments received.

- 4.7 Natural England – No comments received.
- 4.8 Arboricultural Officer – No objections.
- 4.9 Planning Policy – No objections.
- 4.10 Public Protection (Scientific Officer) – No objections.
- 4.11 Parks and Street Care – No objections.
- 4.12 Neighbouring Properties were notified and a Site Notice and Press Notice were posted advertising a departure from the local plan. 4 letters of representation from the same address were received and the comments can be outlined as follows:
- The Maps are misleading as it appears to show some distance between the road and the proposed car park. The car park can be seen clearly from nearby residential properties;
 - There are mature trees and it is enquired whether these are removed or retained;
 - The traffic assessment was inadequate, and following the previous approval further assessment was required. This was only carried out for a short period of time on a quiet Sunday;
 - Since the children's play park has opened all the neighbouring residential properties can here hear screaming children, also the play park is too close to the road;
 - Requests that landscaping works should be undertaken to the road boundary to fill in the hedgerows.

5.0 Planning Considerations

- 5.1 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if it is decided that the original condition(s) should continue.
- 5.2 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended.
- 5.3 Details relating to the following matters remain unaltered from the original planning permission 2016/1168 and do not form part of the material considerations of this s73 application:
- The Principle of Development / Proposed Use;
 - Contamination;
 - Cultural Heritage;
 - Public Benefit;
 - Local Landscape and Visual Impact.

- 5.4 Details relating to the following matters have been satisfactorily discharged under application reference 2016/1028DOC:
- Nature Conservation / Ecology;
 - Transport and Highways;
 - Local Residents / Amenity;
 - Surface Water Drainage.
- 5.5 The main planning considerations in the determination of this application are the visual impact of the proposed variations to the elevations and materials and whether the further details submitted in relation to conditions 3 (Landscape Ecological Management Plan), 4 (External Lighting), 5 and 6 (Transport Assessment) and 8 (Drainage Strategy) satisfy the pre commencement requirements of the previous approval 2016/1168.
- 5.6 The main planning considerations in the determination of this application relate to the Design of the proposal and amendments to the elevations.

6.0 Design

- 6.1 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.
- 6.2 The layout and footprint of the visitor centre has already been considered acceptable under 2016/0788 and meets all the relevant criteria in terms of form, bulk, and layout. The main consideration in the determination of this s73 application is the change to the materials on the external elevations and the omission of the canopy roof. The external elevations of the proposed Visitor Centre are proposed to be rendered with 'Wetherby Silicone Render 7500N (dark grey)' as opposed to the previously approved dark grey cladding. It is my opinion that the conceptual design of the building would remain as originally conceived 'a reflection of the site's past and future'. The dark grey render is comparable to the previous dark grey cladding and would not represent a significant shift from the design that has been previously approved.
- 6.3 I note that the revised design removes a canopy that was originally to be located above the entrance. Whilst it was considered that this element represented a statement architectural feature, the design of the visitor centre focussed on the two angular blocks reminiscent of the coal formally mined on

site. I consider that the revised design would not detract from the design aims of the project and in my opinion would result in a more subtle and sympathetic building within the landscape.

- 6.4 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.

7.0 Nature Conservation / Ecology;

- 7.1 I note that the County Council Ecologist supports the range of habitats and soft landscaping that has been submitted with this application (and in relation to Condition 3 of 2016/0788) and that the details have been approved in line with Discharge of Condition Application 2016/1028DOC. I am therefore satisfied that any adverse impacts on local wildlife and ecology would be addressed by the implementation of the Ecological Landscape Management Plan as approved. I am therefore satisfied that the variation of condition 3 to account for the precise details submitted with this application would result in an enhancement to the biodiversity and ecology of the area.
- 7.2 I also note that the County Ecologist has approved the scheme to deal with external lighting under discharge of condition application 2016/1028DOC. I am therefore satisfied that the variation of condition 4 to account for the precise details submitted with this application would address concerns relating to external lighting.

8.0 Transport and Highways;

- 8.1 I note that conditions 5 and 6 of Planning Permission 2016/0788 have been satisfactorily discharged in connection with the Discharge of Condition Application 2016/1028DOC. I am therefore satisfied that there would be no highway safety implications as a result of this development.
- 8.2 Condition 5 would therefore be varied to account for the details of the Transport Statement and Condition 6 would be removed.

9.0 Local Residents / Amenity;

- 9.1 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.

- 9.2 I also note the comments received with regards to the existing children's play area, however, the application relates to the Visitor Centre and the play area was considered on its own merits.
- 9.3 I note the comments in relation to the landscaping and gaps in the hedgerows however, I am satisfied given the distances to the proposed development from neighbouring residential premises and the existing mature vegetation sited adjacent to spring land that there would not be a significant adverse visual appearance from the car parks or the Visitor Centre.

10.0 Surface Water Drainage.

- 10.1 The site is not located within 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.
- 10.2 I note that condition 8 of planning permission 2016/0788 reads:
 - 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.

- 10.3 I note that a Drainage Scheme has been submitted with the Discharge of Condition 2016/1028DOC application and the Lead Local Flood Authority has agreed the details submitted. I am therefore satisfied that the variation of condition 8 to account for the precise details submitted with application reference 2016/1028DOC would address concerns relating to drainage.

11.0 Conclusion

- 11.1 Having considered the 2016/0788 planning permission, the associated Discharge of Condition Application 2016/1028DOC, and the additional information and proposals in the s.73 Application (ref: 2016/1062), I am satisfied that there are no material planning considerations which would prevent the variation of conditions to account for the minor amendments to the design of the Visitor Centre and the further details submitted to satisfy the requirements of previous planning conditions.

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 15th August 2016.
2. The development hereby approved shall be completed strictly in accordance with the original plans 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) and the plans, details and application forms received on 29th September 2016: Job Number 3100 - document no's: 10 (Site Location Plan) Rev E; 11 (Block Plan) Rev E; 12 (Proposed Site Plan) Rev F; 13 (Site Sections) Rev D; 14 (Proposed Plans) Rev F; 15 (Proposed Elevations) Rev E; 16 (Proposed Views) Rev C; 1016 002 (Sheet Layout); 1016 003 (Landscape Soft Works West); 1016 004 (Landscape Soft Works East); and 1016 005 (Landscape Soft Works South).
3. The development hereby approved shall be completed strictly in accordance with the Landscape and Ecology Management Plan dated 19th September 2016 and drawing no's: 1016 002 (Sheet Layout); 1016 003 (Landscape Soft Works West); 1016 004 (Landscape Soft Works East); and 1016 005 (Landscape Soft Works South).
4. The development hereby approved shall be completed strictly in accordance with the details contained within the External M&E Services Plan prepared by ABSN, dated 29th July 2016, drawing no: NT0205-AG-DR-ME-4001.
5. The development hereby approved shall be completed strictly in accordance with the details contained within the Transport Statement prepared by Curtains: ref TPLE61348.
6. Condition deleted/removed.
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. The development hereby approved shall be completed strictly in accordance

with the drainage plans received in relation to application reference 2016/1028DOC dated July 2016 drawing no: SK401 Rev P1-1.

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. Condition Removed.
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

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.

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.