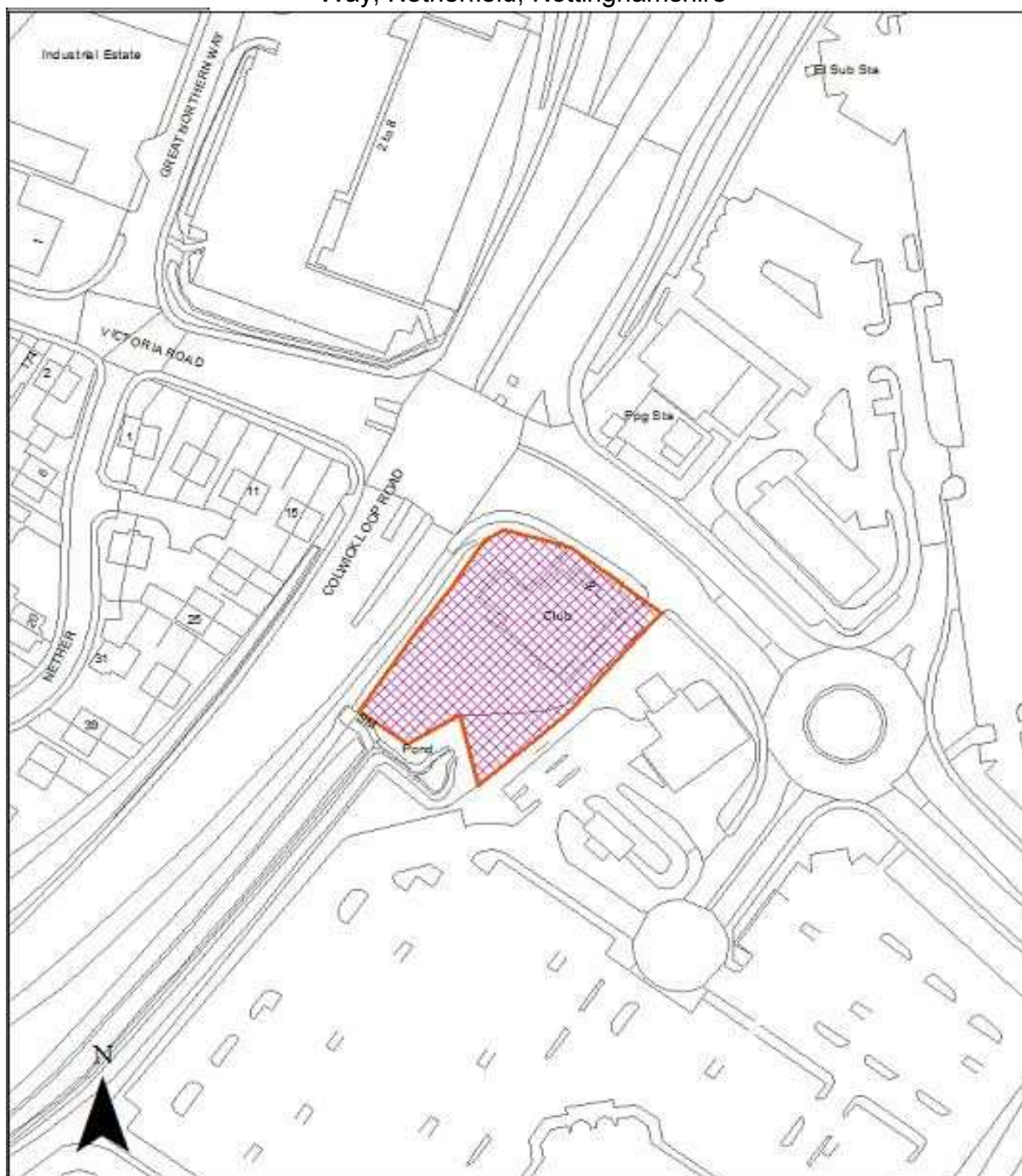


Application Number: 2013/0614

Location: London Midland Railway Club Association, 2 Victoria Park Way, Netherfield, 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. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 100021248. Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings.

Report to Planning Committee

Application Number: 2013/0614

Location: London Midland Railway Club Association 2 Victoria Park Way Netherfield Nottingham

Proposal: Demolition of club and erection of restaurant with drive through facility, car park and amended access.

Applicant:

Agent: Mr S Simms

Site Description

The application occupies a corner plot located at the junction of Victoria Parkway and the Colwick Loop Road. There is an existing single storey building on the site at present occupied by the London Midland Railway Club Association. The building is set at a slightly lower level than the adjoining pavement level. Morrisons food store and petrol station adjoin the south eastern boundary of the site and McDonalds drive through restaurant is located opposite the site. Access into the site is from Victoria Parkway.

Proposed Development

Full planning permission is sought for the demolition of the London Midland Railway Club and the erection of a restaurant incorporating a drive through facility, a car parking area to serve the restaurant and an amended access into the site.

The building would be positioned to the north west of the site with the front of the building facing the north east towards Victoria Parkway.

The building would measure at its maximum 27.6 metres by 12.8 metres with an overall height of 7.5 metres.

Revised plans were submitted during the processing of the application showing an increase in height of the building which would bring the building up to just below the surrounding pavement level. The revised plans also showed elevation changes to the building showing revisions to the design and overall appearance of the building.

The submitted plans show an indicative position of proposed solar panels to be erected to the roof of the building.

The material proposed for the construction of the building are Kingspan insulated

panels, Natura unglazed tiles and powder coated cappings to the roof.

Hard and soft landscaping is proposed to be undertaken at the site.

An outdoor seating area is proposed to be provided on the area of block paving adjacent to the entrance to the building. A 4 metre by 4 metre umbrella is proposed to be erected to cover the outdoor seating area.

The car parking areas serving the restaurant would be to the front and side of the building with the drive through element being provided to the rear and other side of the building adjacent to the Colwick Loop Road.

Thirty car parking spaces including two disabled car parking spaces and two grill bays are proposed to serve the restaurant facility.

Three staff car parking spaces are proposed to the rear of the building.

Cycle racks are proposed to be provided to the frontage of the site.

Access into the site would be from Victoria Parkway with a left turn only facility to enter and exit the site. A barrier is proposed to be erected to the central reservation along Victoria parkway. A yellow hatched box is proposed to be painted onto the Victoria Parkway road to the frontage of the exit to the site.

Revised plans were submitted during the processing of the application showing revisions to the proposed access arrangements into the site and extra details have been provided relating to the highway safety issues affecting the site.

A pedestrian access is proposed to the frontage of the site from Victoria Parkway.

Lighting is proposed to be erected to the car parking areas.

The submitted plans indicate an area to the frontage of the building for a possible future extension. This element does not form part of this application.

The following documents have been submitted with the application;

1. A Design and Access Statement.
2. A Planning Statement.
3. A Flood Risk Assessment.
4. A Transport Statement.

An application has been submitted relating to the proposed signage for the site, reference 2013/0615. This application is pending consideration.

Consultations

Nottinghamshire County Council Highway Authority – Having considered the additional information together with amended plans submitted in support of this application to address highway concerns, no objections are raised in principle to the

proposed development subject to minor alterations to the designed layout as detailed below:-

There are several other food outlets situated across the main road (Victoria Park Way) from the proposed site access. It is probable that pedestrians visiting these outlets will also wish to visit KFC. To do so it is likely that they will try crossing from the retail park out of the pedestrian access directly across to KFC. Crossing over multiple traffic flows (traffic lanes) and through stationary queuing vehicles is shown to be particularly hazardous for pedestrians and conflicts will occur.

As a result of a Road Safety Stage 1 Audit carried out by our Accident Investigation Unit it is recommended that guard railing or similar should be erected on the central reserve of Victoria Park Way between the roundabout and the traffic signal junction. The presence of railings or similar will help to prevent pedestrians from crossing at this location.

The Highway Authority would recommend that the consent be subject to conditions covering the followings to ensure that the access and parking are provided in a satisfactory manner.

1. No part of the development hereby permitted shall be brought into use until the site access arrangements including road markings and a 'turn left' sign as shown for indicative purpose only on plan reference XXXX/2014/A001 has been provided in accordance with the construction details to be first submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of Highway safety.

2. Prior to the development hereby approved first being brought into use, individual parking spaces and internal road marking shall be clearly marked out on site in accordance with the approved plan reference XXXX2014/A001 Revision E. Parking spaces shall be kept available for parking in association with the development thereafter.

Reasons: In the interests of Highway safety.

3. No part of the development hereby permitted shall be brought into use until all drives, parking and turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives, parking and turning areas shall then be maintained in such hard bound material for the life of the development.

Reasons: In the interests of Highway safety.

4. No part of the development hereby permitted shall be brought into use until such time as details of guard railing or similar to be erected on the central reserve of Victoria Way between the roundabout and the traffic signalled junction (A612 Colwick Loop Road) have been submitted to and approved in writing by the Local Planning Authority. Erection of such guard railing or similar shall be carried in accordance with the approved plans to the satisfaction of the Highway Authority.

Reasons: In the interests of Highway safety.

5. 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 details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance).

Reasons: To protect drivers from uncontrolled light sources near the public highway

6. No part of the development hereby permitted shall be brought into use until the cycle parking as shown for indicative purpose only on plan reference XXXX/2014/A001 Revision E has been provided and that the cycle parking area shall not thereafter be used for any purpose other than the parking of cycles.

Reasons: To promote sustainable travel.

Notes to Applicant

In order to carry out the off-site works (access/exit to the site including signing, road marking, provision of tactile paving and erection guard railing), 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. Please contact Paul Ghattaora on 0115 9772117 for details at an early stage.

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.

Planning Policy – The following policies are relevant in the determination of the application:

- NPPF Section 1 - Building a strong economy
- NPPF Section 2 - Ensuring the vitality of town centres
- NPPF Section 7 - Requiring good design
- NPPF Section 10 - Flooding
- RLP Policy ENV1 - Development Criteria
- RLP Policy S11 - Retail Development outside shopping centres
- RLP Policy E3 - Retention of Employment
- RLP Policy C4 – Loss of Community Facilities

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (ACS) which it considers to be sound and ready for independent examination. The ACS was submitted for independent examination on 7th June 2013. Consequently, Gedling Borough in

determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents than previous stages with the level of weight given to each policy being 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:

ACS Policy 6 (Role of Town and Local Centres)
ACS Policy 10 (Design and Enhancing Local Identity)

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

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

Paragraph 26 of the NPPF sets out the requirement for an Impact Assessment. Proposals in excess of 2,500sq metres or a locally set threshold will need to provide an Impact Assessment. The proposal is for about 230 sq m and so well below this threshold.

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

RLP Policy S11 adopts a similar approach to the NPPF and requires inter alia that proposals demonstrate compliance with the sequential test and do not cause demonstrable harm to the vitality or viability of other shopping centres. S11 also requires evidence of a ‘need’ for a proposal. While this requirement was not included in previous national policy (PPS4) or in the NPPF, understanding ‘need’ is a part of the sequential assessment and understanding where the catchment of the store lies (and therefore which centres should be searched).

Policy 6 of the Aligned Core Strategy sets out the hierarchy of centres across the plan area. Policy 6 also reiterates the need to maintain the vitality and viability of centres and for out of centre proposals to demonstrate compliance with the sequential and impact assessment requirements. Policy 10.1 addresses the design requirements and identifies that all development should:

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

Policy 10.2 a) to i) also sets out criterion for assessing development which includes a) relating to the orientation and positioning of buildings and d) massing scale and proportion which are particularly pertinent to this road frontage location. Planning Policy would advise that following publication of the Aligned Core Strategy for Gedling Borough in June 2012, there were no significant objections to these elements of ACS Policy 10 and therefore these design policy principles can be given significant weight in policy terms.

Retail Sequential Test

The applicant has submitted evidence relating to the sequential test set out in the supporting Planning Statement. This concludes that there are no sites in town or local centres or in locations at their edge that are available, suitable and viable for the identified need. Having considered this assessment, Planning Policy would agree that there is no alternative site in the preferred centre/edge of centre location in the centres searched and is satisfied that the proposal passes the sequential test.

Employment Land

The proposed site is located within Victoria Business Park which is protected for employment uses under Policy E3. This policy allows for the redevelopment of premises for employment uses other than retailing and other uses more appropriately sited in shopping centres. (The consideration of the sequential test in retail planning policy is set out in the above paragraph). Policy E3 goes on to state that:

Planning permission will not be granted for other purposes unless the retention of the premises for its specified employment use has been fully explored by extensive marketing and advertising without success.

Whilst, the site is part of a protected employment site the premises are not used as such but rather have been used as a social club since at least the 1950s and consequently it is not possible to apply Policy E3 to retain such a use.

Loss of Community Facility

Policy C4 states that:

“planning permission will not be granted if development would lead to the loss of community facilities resulting in increased car journeys to the next available facility”.

The proposal is part of a development package that would facilitate the relocation of the existing social club to new premises at the Anagas Site at 2B Station Road, Carlton close to Netherfield District Centre and opposite the railway station. The Planning Statement includes a letter in support of the proposal from the Chairman of the London Midland Railway Club (Colwick Branch) indicating that the relocation has the overwhelming majority support of its members and that the new location adjacent Netherfield District Centre is more accessible to their membership which lives in Netherfield and the surrounding area who can arrive on foot, by bus or by train. It can be concluded therefore that there would be no consequential increase in car journeys and indeed rather the opposite given that the proposed location would

improve accessibility by public transport.

Flood Risk

The site is located within Flood Zone 3 according to the Environment Agency's Flood Map which does not take into account the presence of flood defences. Paragraph 101 of the NPPF applies the sequential test in order to steer new development to areas with the lowest possibility of flooding. The Strategic Flood Risk assessment should be the basis for applying the sequential test - in this case the Greater Nottingham Strategic Flood Risk Assessment 2008 (GNSFRA). Map 3 – GBC – 04 shows that with the River Trent Left Bank Flood Alleviation Scheme in place (now built) the site is defended up to a 1:100 year or 1% annual probability of a flood. The GNSFRA also indicates that this site is not at risk of flooding from the Ouse Dyke. The applicant has produced a site specific flood risk assessment and Planning Policy would advise that the advice of the Environment Agency should be sought in this regard.

Access

Access is via Victoria Park Way and County Highways should be consulted.

Design

Policy ENV1 requires development to be of a high standard of design, that local amenity should be protected and that there should be adequate provision for the safe and convenient access for the circulation of pedestrians and vehicles. ACS Policy 10 also gives guidance on design as set out above. These are largely matters for Development Management to consider.

In conclusion, planning policy would not wish to object to the proposal subject to Development Management being satisfied that the proposal accords with ENV1 and ACS Policy 10 and subject to the views of the Environment Agency and Highways Authority.

Police Architectural Liaison Officer – no objections in principle to the proposal.

Victoria Retail Park has suffered from car cruisers/boy racers causing anti-social behaviour issues on the Park. It is therefore requested that a barrier, gate or similar access restrictor is erected to the car park entrance in order to avoid this car park attracting anti-social behaviour.

Urban Design Consultant – no objections to the revised plans.

Environment Agency – The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) May 2013/ NTW/2160/FRA Rev C/ Beth Kendrick BWB consulting and Proposed Site Plan environment. Good design is a key aspect of sustainable development and should contribute positively to making places better for people. It is important to plan

positively for the achievement of high quality and inclusive design for all development. /April 2013/Drawing No. XXXX/2014/A001 and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 21.00m Above Ordnance Datum (AOD)
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Condition

Development shall not begin 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:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent rates with a betterment of 20%;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

Advice to applicant/LPA

1. This condition should not be altered without our prior notification to ensure that the above requirements can be incorporated into an acceptable drainage scheme that reduces the risk of flooding.
2. 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.
3. 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.

Environment Agency position

In addition we consider that planning permission could be granted to the proposed development as submitted only if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Severn Trent Water – no objections subject to the attachment of a condition to any grant of planning permission relating to the disposal of surface water and foul sewage.

Public Protection Scientific Officer – A contamination survey should be submitted.

NCC Rights of Way Officer – Carlton Footpath No. 24 runs along the north east boundary of the site. This footpath should not be affected as a result of the development or users of the footpath impeded or endangered in any way. Should resurfacing works be required to the footpath the Rights of way team should be consulted.

Local residents have been notified by letter and a site notice has been posted – I have received one e-mail of representation as a result. The contents of which are summarised below:

Concerns are raised regarding the increased noise levels during the late evening and overnight hours.

Concerns are raised regarding the increased noise levels.

Concerns are raised regarding smells emanating from the area.

Planning Considerations

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

1. A drive through restaurant is an appropriate use for the site;
2. The Design of the proposal is acceptable;
3. There would be any adverse impact on neighbouring properties and the surrounding area;
4. There would be any associated flood risk;
5. There would be any adverse impact on highway safety;
6. Contamination can be dealt with appropriately; and
7. There is any potential impact on the Carlton Footpath.

At a National level the following policies are relevant in the determination of this planning application.

NPPF Section 1 - Building a strong economy

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

NPPF Section 2 - Ensuring the vitality of town centres

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

Paragraph 26 of the NPPF sets out the requirement for an Impact Assessment. Proposals in excess of 2,500sq metres or a locally set threshold will need to provide an Impact Assessment. The proposal is for about 230 sq m and so well below this threshold.

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

NPPF Section 7 - Requiring good design

Paragraphs 56 and 57 of the NPPF attach great importance to the design of the built

NPPF Section 10 – Flooding

Paragraphs 100 and 101 of the NPPF direct development away from areas at high risk of flooding. A Sequential Test should be undertaken to steer new development to areas with the lowest probability of flooding.

At a local level the following policies as contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) are relevant and state:

RLP Policy ENV1 - Development Criteria

‘Planning permission will be granted for development provided it is in accordance with other Local Plan policies and the proposals meet the following criteria:-

- a. it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- b. it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated;
- c. development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children;

- d. it incorporates crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space and well considered layouts and landscaping;
- e. it does not prejudice the comprehensive development of a development site, and
- f. it incorporates best practice in the protection and management of water resources.'

RLP Policy S11 - Retail Development outside shopping centres

This policy adopts a similar approach to the NPPF and requires inter alia that proposals demonstrate compliance with the sequential test and do not cause demonstrable harm to the vitality or viability of other shopping centres.

RLP Policy E3 - Retention of Employment

Planning permission will not be granted for other purposes unless the retention of the premises for its specified employment use has been fully explored by extensive marketing and advertising without success.

RLP Policy C4 – Loss of Community Facilities

“planning permission will not be granted if development would lead to the loss of community facilities resulting in increased car journeys to the next available facility”.

In respect to the aligned Gedling Borough Aligned Core Strategy, to which greater weight can be attached as explained above, the following policies are relevant.

ACS Policy 6 (Role of Town and Local Centres)

Policy 6 of the Aligned Core Strategy sets out the hierarchy of centres across the plan area. Policy 6 also reiterates the need to maintain the vitality and viability of centres and for out of centre proposals to demonstrate compliance with the sequential and impact assessment requirements.

ACS Policy 10 (Design and Enhancing Local Identity)

Policy 10.1 addresses the design requirements and identifies that all development should:

- f) make a positive contribution to the public realm and sense of place;
- g) create an attractive, safe, inclusive and healthy environment;
- h) reinforce valued local characteristics;
- i) be adaptable to meet evolving demands and the effects of climate change; and
- j) reflect the need to reduce the dominance of motor vehicles.

Policy 10.2 a) to i) also sets out criterion for assessing development which includes a) relating to the orientation and positioning of buildings and d) massing scale and proportion which are particularly pertinent to this road frontage location. Planning Policy would advise that following publication of the Aligned Core Strategy for Gedling Borough in June 2012, there were no significant objections to these elements of ACS Policy 10 and therefore these design policy principles can be given significant weight in policy terms.

Appropriate Use of the Site

Sequential Test

The NPPF states that main town centre uses, such as this proposal, should be located within or on the edge of designated shopping centres before out of centre locations are considered for such proposals and any proposal should demonstrate compliance with this sequential test. Policy S11 of the RLP and Policy 6 of the ACS adopt a similar approach to the NPPF stating that proposals should not cause harm to the vitality or viability of designated shopping centres.

The applicant's agent in this respect has submitted evidence as part of the application demonstrating that there are no available sites in the designated shopping centres or on the edge of these shopping areas that are available, suitable or viable for the identified need.

These findings are agreed with and as such I am of the opinion that it has been demonstrated that the proposal passes the sequential test.

As the scale of the proposal in question, falls below 2,500 square metres no Impact Assessment is required.

Loss of a Community Facility

Whilst it is noted that the existing community facility, the London Midland Railway Club Association, on the site would be demolished as part of the proposal for the redevelopment of the site and therefore this existing community facility would be lost, the existing social club is proposed to be relocated to the Netherfield Town Centre. This application is currently pending consideration by the Borough Council.

I therefore do not consider that a community facility would be lost, but rather relocated. The proposal would accord with Policy C4 of the Gedling Borough Council replacement Local Plan.

Employment Land

I note that the application site is located within a designated area for employment use and the proposed use would be for retail purposes which would not accord with policy E3 of the RPL as set out above, given that the site is currently occupied by a social club it would be unreasonable to apply policy E3 to state that the site should retain an employment use.

Design and Appearance

I note that revised plans were submitted during the processing of the application showing a re-design of the proposed building. In my opinion the revised design of the building with the differing levels of various elements of the building, the slope to the roof together with the mixture of materials to be used in the construction of the building result in a visually attractive building in this prominent location.

The revised plans show that the building is proposed to be raised in height slightly just below the adjacent pavement levels surrounding the site. This amendment together with the design of the building, the positioning of the building on the site will give the building a presence on the site.

In addition the orientation of the building with the entrance fronting Victoria Parkway and the drive through element facing the Loop Road, whilst screened to some degree by existing trees and vegetation along this boundary, will add to the prominence of the building giving the building a dual frontage when viewed from the main vantage points when passing the site and visiting the site.

I am also satisfied that the design and height of the building reflects existing buildings within the retail park area and the building will compliment existing neighbouring commercial units.

In respect to the layout of the site in terms of the car parking areas to be provided, the proposed hard and soft landscaping and the erection of boundary fencing, I am satisfied that these elements are visually acceptable and given that additional landscaping is proposed the appearance of the site will be enhanced.

It is noted that the submitted plans show an indicative position for the location of solar panels to be erected to the building. Whilst I consider that this would be acceptable in principle I would suggest that a condition is attached to any grant of planning permission to request the precise details of the design, size, number and exact positioning of the solar panels to be submitted for consideration.

Impact on Nearby Properties and the Area in General

In my opinion the proposal is in keeping with the character of the area given its location adjacent to the Victoria Retail Park and will result in no significant impact on neighbouring premises or the area in general.

Whilst I note that there are residential properties located opposite the site across the Loop Road I am satisfied given the distance of the proposal to neighbouring properties there will be no undue impact on these nearby properties.

I note the concerns of the neighbouring resident in respect to potential noise issues as a result of the proposal and also note that the Borough Council's Public Protection Section has raised no objections to the proposal in general subject to the submission and approval of details relating to the proposed air conditioning units, condensers and extraction ducting in order for any noise and smells emanating from these units to be controlled and therefore avoiding any issues arising from a development of this

nature. I consider that these issues can be controlled by attaching a condition to any grant of planning permission.

The Police Architectural Liaison Officer has stated that the surrounding retail park has in the past been subject to anti-social behaviour issues and car parking areas serving the retail park have had restrictions to the access points after trading hours. It is therefore suggested that a barrier or similar restrictor is provided to the access point and therefore after trading hours the car park will not attract similar anti-social behaviour issues which have been experienced on neighbouring sites. I consider that a condition could be attached to any grant of planning permission to control this element.

Flood Risk

I note that the application site is situated within an area at risk of flooding and am mindful that the NPPF aims to steer development to areas with the lowest probability of flooding.

A Flood Risk Assessment was submitted with the application and the Environment Agency has raised no objections to the proposal subject to the development being carried out in accordance with the details contained within the Flood Risk Assessment.

I therefore consider that the proposal will not pose any flood risk issues provided the development is implemented in accordance with the submitted Flood Risk Assessment, which I consider could be controlled by way of condition together with the additional condition suggested by the Environment Agency relating to the submission of a surface water drainage scheme for the site being submitted for approval.

I would also suggest that the notes provided by the EA are attached as a note to the applicant, should planning permission be granted.

Highway Safety

I note that revised plans were submitted during the processing of the application which address highway safety issues affecting the site. I also note that the Highway Authority has raised no objections to the proposal subject to the attachment of conditions, to any grant of planning permission, relating to the car parking spaces and internal road markings to be clearly marked out, the parking areas and access ways being appropriately surfaced, the signs and the cycle parking area being provided, details of the lighting to the site being submitted for approval and the guard railings to the central reservation of Victoria Parkway being erected.

I consider that with the attachment of these conditions together with the provision of the yellow hatched box to Victoria Parkway I am satisfied that there will be no highway safety implications arising from the proposal.

Contamination of the site

I note that the Borough Council's Scientific Officer has recommended that the site is assessed for potential land contamination in order to ensure that the site is suitable for the proposed use and should contamination be found remediation measures are put in place to address any contamination of the site.

I consider given the history of the site this is reasonable and would suggest that the conditions suggested by the Scientific Officer are attached to any grant of planning permission.

Other Issues

I note the comments of the County Council's Rights of Way Team in respect to the availability of Carlton Footpath No. 24 and would suggest that the received comments are attached to any grant of planning permission for the applicant's reference.

Recommendation:

GRANT PLANNING PERMISSION: subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be built in accordance with the details as contained within the Planning Statement, the Design and Access Statement, The Flood Risk Assessment, the Transport Statement and the plan drawing numbers XXX/2013/A110D, XXXX/2013/A102B, XXXX/2014/A100E and the ordnance survey plan received on the 8th June 2013.
3. Before development is commenced there shall be submitted to and approved in writing precise details and samples of the materials to be used in the construction of the building. Once these details are approved the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
4. 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. 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.
5. Before development is commenced there shall be submitted to and approved

in writing precise details of the lighting columns proposed to be erected at the site. This shall include details of how the lights are to be angled and shielded. The lighting scheme shall be implemented in accordance with the approved details prior to the development being first brought into use and shall then be retained thereafter at all times.

6. Before development is commenced there shall be submitted to and approved in writing precise details of a suitable barrier, gate or collapsible bollards to be erected to the entrance to the site including precise details of where these will be positioned. Once these details are approved the agreed barrier, gate or collapsible bollards shall be erected to the entrance of the site prior to the site being first brought into use and retained thereafter at all times in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
7. The agreed barrier, gate or collapsible bollards as approved under condition 6 shall be utilised when the building is unattended in order to prevent vehicles entering and leaving the site.
8. Before development is commenced there shall be submitted to and approved in writing precise details of the proposed solar panels to be installed on the building including details of the siting, number, design and size of the proposed solar panels and a timescale for the implementation of the works to be undertaken. Once these details are approved the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
9. Before development is commenced there shall be submitted to and approved in writing precise details of any air conditioning units, condensers, extraction units and ducting to be installed to the building. This shall include full specification details together with details of the siting of the units. Once these details are approved the development shall be carried out in accordance with the approved details prior to the development being first brought into use unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
10. No part of the development hereby permitted shall be brought into use until the site access arrangements including road markings and a 'turn left' sign as shown on plan reference XXXX/2014/A001 Revision E have been provided. Once these access arrangements have been provided these shall be retained thereafter at all times unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
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11. Prior to the development hereby approved first being brought into use, individual parking spaces and internal road marking shall be clearly marked out on site in accordance with the approved plan reference XXXX2014/A001 Revision E. The car parking spaces shall be kept available for parking in association with the development thereafter.
12. No part of the development hereby permitted shall be brought into use until

the access, parking and turning areas are surfaced in a hard bound material (not loose gravel). The surfaced access, parking and turning areas shall then be maintained in such hard bound material for the life of the development.

13. No part of the development hereby permitted shall be brought into use until such time as details of guard railing or similar to be erected on the central reserve of Victoria Way between the roundabout and the traffic signalised junction (A612 Colwick Loop Road) have been submitted to and approved in writing by the Local Planning Authority. The erection of such guard railing or similar shall then be carried out in accordance with the approved details to the satisfaction of the Highway Authority.
14. No part of the development hereby permitted shall be brought into use until the cycle parking as shown on plan reference XXXX/2014/A001 Revision E has been provided and that the cycle parking area shall be retained thereafter at all times.
15. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) May 2013/ NTW/2160/FRA Rev C/ Beth Kendrick BWB consulting and Proposed Site Plan/April 2013/Drawing No. XXXX/2014/A001 and the following mitigation measures detailed within the FRA: Finished floor levels are set no lower than 21.00m Above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
16. Development shall not begin 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:
 - o The utilisation of holding sustainable drainage techniques;
 - o The limitation of surface water run-off to equivalent rates with a betterment of 20%;
 - o 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
 - o Responsibility for the future maintenance of drainage features.
17. The development hereby permitted shall not commence 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 shall be implemented in accordance with the approved details before the development is first brought into use.
18. Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:
 - a) Site Characterisation An assessment of the nature and extent of any potential

contamination has been submitted to and approved in writing by the 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.b) Submission of Remediation Scheme Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the 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.c) In the event that remediation is required to render the development suitable for use, the approved remediation scheme shall be implemented in accordance with the approved timetable of works specified within the approved remediation scheme. d) 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.

19. The building hereby approved shall only be used for A3 Uses and for no other purpose under The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 or any equivalent provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
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 policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
5. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

6. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
7. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
8. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
9. To ensure a satisfactory development, 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.
11. In the interests of highway safety.
12. In the interests of Highway safety.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. To reduce the risk of flooding to the proposed development and future occupants.
16. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.
17. 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 minimise the risk of pollution.
18. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
19. To ensure the vitality and viability of the designated shopping areas are protected in accordance with Policy S11 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Reasons for Decision

In the opinion of the Borough Council there are no sequentially better sites within the centres that are suitable, available or achievable and there will be no significant impact on the vitality or viability of existing centres. The proposal results in no

significant impact on neighbouring properties, the area in general or highway safety. The proposal therefore accords with the policies as set out within the National Planning policy Framework, policies ENV1, S11, and C4 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008). The mitigation measures detailed in the Flood Risk Assessment will ensure the completed development raises no flood risk issues.

Notes to Applicant

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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. 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.

Your attention is drawn to the attached comments from Nottinghamshire County Council's Rights of Way Team.

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.

Your attention is drawn to the attached comments from the Environment Agency.

In order to carry out the off-site works (access/exit to the site including signing, road marking, provision of tactile paving and erection guard railing), 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. Please contact Paul Ghattaora on 0115 9772117 for details at an early stage.