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**Report to Planning Committee**

**Application Number:** 2019/0752

**Location:** Gedling Country Park Spring Lane Gedling

**Proposal:** Creation of 100 additional car parking spaces. New connecting footpaths, landscaped bunds, and SUDS drainage system.

**Applicant:** Gedling Borough Council.

**Agent:**

**Case Officer:** Paula Daley

**The applicant is Gedling Borough Council and therefore, in accordance with the Council's Constitution, this application has been referred to Planning Committee.**

**1.0 Site Description**

- 1.1 The application site relates to an area of land within the Gedling Country Park, which covers an area of approximately 110 hectares. The Country Park provides a number of recreational facilities such as a visitor's centre, picnic areas, walks and play areas. The existing visitors' car park provides approximately 100 car parking spaces and is accessed from Spring Lane.
- 1.2 The Gedling Country Park is located within an area identified for the protection of open space under policy LPD20 of the Gedling Local Plan Document (Part 2) 2018.
- 1.3 The application site extends to 0.69ha and presently incorporates primarily dense scrub and grassland including an existing butterfly bund. An existing drainage ditch extends along the northern and eastern boundary. To the north is further scrub land and hedging and tree planting separates the site from Spring Lane. The site is separated from the internal access road and car park by a post and rail fence.
- 1.4 The nearest residential property is located to the north of the site on Spring Lane and forms part of Crimea Farm.

## **2.0 Relevant Planning History**

- 2.1 2012/1456 – Creation of a country park, including a new access road, car park for 40 spaces and surfaced paths. Conditional Consent 11/04/2013
- 2.2 2013/1387 - Variation of Conditions 2, 3, 23 and 24 and the removal of conditions 7, 10 and 12 attached to application no. 2012/1456.
- 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 Consent 10/07/2014
- 2.4 2015/0028 - Erection of two pit tubs on either side of the entrance to Gedling Country Park at Spring Lane. Conditional Consent 03/02/2015.
- 2.5 2015/0954 – Create snack van hardstanding area in Gedling Country Park. Conditional Consent 20/10/2015
- 2.6 2015/1228 – To allow the installation of a climbing unit in the Junior Play area at Gedling Country Park, off Spring Lane, Gedling. Conditional Consent 26/11/2015
- 2.7 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. Conditional Consent 25/08/2016
- 2.8 2016/1062 - 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. Conditional Consent 24/02/2017
- 2.9 2017/0581 - Retention of new 36 space car park to replace provision previously approved as part of application 2016/0788. Conditional Consent 04/07/2017
- 2.10 2017/0619 - The erection and operation of two CCTV columns. Conditional Consent 20/07/2017.
- 2.11 2017/0636 - Variation of details relating to conditions 2 and 3 of 2016/0788 (Revised Landscaping Scheme) due to reposition of car park (subject to separate application 2017/0581). Conditional Consent 20/07/2017.
- 2.12 2017/0958 - Variation of Condition 2 (planning application 2017/0636) to extend the opening hours of cafe. 20/04/2018.
- 2.13 2018/0033 - Removal of condition 24 of planning approval 2013/1387. Hours of use for access point. Conditional Consent. 13/03/2018.

### **3.0 Proposed Development**

- 3.1 This application seeks consent for the creation of a new 100 space car park to serve the Gedling Country Park. The site is located to the north of the existing visitor centre and the existing car park. The proposed car park will be accessed via the main Gedling Country Park entrance off Spring Lane. The car parking will be formed in a permeable ground reinforcement paver system and filled with hard angular stone and contained within a tantalised timber edge restraint. Each space measures 5m x 2.5m and will be defined by integrated white coloured parking marker blocks.
- 3.2 The proposal also incorporates a new surface water Sustainable Urban Drainage System which will return all surface water into the existing drainage ditch system which runs along the northern boundary of the application site via a narrow filter drain construction.
- 3.3 The layout proposes a new internal footpath that links the new car park to the existing car parking area to the south. This will be formed in permeable ground reinforcement paver system in green colour. With the exception of a small section at between the existing road way and the sites vehicular entrance, the existing post and rail fencing will remain. A new timber knee rail is proposed along the western, southern and partial eastern boundary of the main car parking area.
- 3.4 The land will be regraded between the existing and proposed car park and reseeded with a native wildflower/grass mix. New landscaping bunds are proposed to the north and west of the car park and British native wildflower meadow will be established on the new landscape bunds to support local wildlife and to compensate for the loss of dingy skipper butterfly habitat in accordance with the recommendations of the Preliminary Ecological Appraisal submitted with the application. The existing butterfly bund to the north will be increased in height to improve ecology and also provide additional visual screening.

### **4.0 Consultations**

- 4.1 Neighbouring properties were notified and a Site Notices was posted near to the site. A press notice was also published.

One objection has been received and comments can be outlined as follows:

- Disagrees with the Design and Access Statement regarding neighbour consultation and they found out via the application consultation letter.
- Car park has been extended twice and need for more parking is exaggerated. In past parking issues on Spring Lane on a Saturday morning due to Park Run only. Since double yellow lines no problems have been experienced.
- Vehicles too high to get under barrier to car parking park in adjacent farm access.
- Another car park planned to south side. Questions what has happened to this? More practical to spread the parking instead of 200 spaces off a country road.

- Park is overcrowded and increasing parking will increase congestion on Spring Lane.
- Impact upon the environment and wildlife, encouraging people to drive to the park creating pollution, fumes, noises, litter.
- Questions the funding sources and value.
- Questions whether another building is planned.
- Previous applications for a car park states that the visual impact would be moderate to adverse during construction and slightly adverse after completion. The car park was planned far away from houses and recommended hedge planting which hasn't been completed.
- Dwelling is 66m from the car park and bund will not disguise the cars from view and it will be an eyesore.
- Concern regarding increase in noise from the car park which will be used late at night if the gate is left open.
- This location was planned before and abandoned and car parking added to the car park that were already there. Much better location.
- The site is an abandoned area that was supposed to be a butterfly bank. Looks more like a building site than a wildlife area.

#### 4.2 Friends of Gedling Country Park

The proposed pedestrian footpath would be located close to a Yew tree planted on Remembrance Day 2016. Concern is raised that the tree may suffer damage during construction.

4.3 Gedling Borough Council Public Protection - Due to the historic use of the site, there is potential for land contamination issues. Therefore a condition is requested regarding the discovery of unexpected contamination during development.

4.4 Nottinghamshire County Highways – The Highway Authority considers that the layout of the car park look satisfactory so subsequently has no objections in principle to the proposal as it will help reduce the likelihood of vehicles being parked on-street in the vicinity of the Country Park.

4.5 Nottinghamshire County Council Policy - Whilst it is unfortunate that a small area of species rich grassland suitable for Dingy Skipper (butterfly) will be loss, a range of mitigation is proposed within the Preliminary Ecological Appraisal (PEA) and illustrated in various plans. The mitigation, compensation and enhancement recommendations as set out in section 6 of the PEA should be secured through a condition.

4.6 Nottinghamshire County Council Lead Local Flood Authority – No comments.

4.7 Severn Trent Water Limited – No foul proposed. Surface water to the ditch which we have no comment. Informative suggested.

4.8 Natural England - No comment

#### 5.0 Development Plan Policies

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.

5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

5.3 The following policies are relevant to the application:

5.4 National Planning Policy Framework 2019

Sets out the national objectives for delivering sustainable development. Sections 8 (promoting healthy and safe communities), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (conserving and enhancing the natural environment) are particularly relevant.

5.5 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 12 – Local Services and Healthy Lifestyles – sets out that new, extended or improved community facilities will be supported where they meet a local need.

Policy 13 – Culture, Tourism and Sport – sets out that further provision of culture, tourism and sporting facilities will be supported where appropriate, existing cultural, tourism and sporting facilities will be protected and their further development will be supported.

Policy 16 – Green Infrastructure, Parks and Open Space – sets out that a strategic approach to the delivery, protection and enhancement of Green Infrastructure will be taken. The approach will require that existing and potential Green Infrastructure corridors and assets are protected and enhanced. Parks and open space should be protected from development and deficiencies addressed in part 2 Local Plans. Exceptions may be made if the development is a small part of the Green Infrastructure network and will not be detrimental to its function, or the development is a use associated with parks and open spaces or if none of the above apply the park or open space is shown to be underused or undervalued.

Policy 17 – Biodiversity – sets out the criteria to ensure that biodiversity is increased over the plan period by enhancing, protecting and restoring existing areas of biodiversity and seeking new biodiversity features.

5.6 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

Policy LPD 4: Surface Water Management – identifies that all development proposals should, wherever possible, include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.

Policy LPD11: Air quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

Policy LPD 18 - Protecting and Enhancing Biodiversity – Proposals should be supported by an up to date ecological assessment. Any harmful ecological impacts should be avoided through the design, layout and detailing of development with mitigation, or compensation (including off-site measures) where other methods are not possible. Wherever possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around development and contribute to the establishment and maintenance of green infrastructure.

Policy LPD 19: Landscape and Visual Impact - planning permission will be granted where new development does not result in a significant adverse visual impact or significant adverse impact on the character of the landscape.

Policy LPD 20: Protection of Open Space - planning permission will not be granted for development on land that is used, or was last used, as open space as shown on the Policies Map. Exceptions to this policy are set out within the policy and include:

- the development would enhance or improve the recreational or sporting potential or quality of the site;
- the proposed development is ancillary to the use of the site and would not have an adverse impact on how it is used;
- the development is for alternative open space use, the needs for which clearly outweigh the loss of the open space.

Planning permission will not be granted for development which would adversely affect access to open space and opportunities should be sought to protect or enhance those parts of the rights of way network that might benefit open space.

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD61: Highway Safety - Planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.

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

- 6.1 This planning application is for the erection a new 100 space car park to serve the Gedling Country Park including new connecting footpaths, landscaped bunds and a SUDS drainage system. The site is located within the existing Gedling Country Park on land currently comprising dense scrub, immature woodland and grassland. The site is presently fenced off with a post and rail fence and whilst the site could be accessed from certain points within the park, this section of the site is not open to the public or in a formal use.
- 6.2 At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 83 stating that decisions should support sustainable rural tourism and leisure developments which respect the character of the countryside. This should include the retention and development of accessible local services and community facilities, such as, open space.
- 6.3 Paragraph 96 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;
  - or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;
  - or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.4 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.
- 6.5 The site is also protected under policy LPD20 of the Local Planning Document. LPD20 identifies that planning permission will not be granted for development on land that is used, or was last used as open space as shown on the policies map. Exceptions to this include where the proposed development is ancillary to the use of the site and would not have an adverse impact on how it is used or where it would enhance or improve the recreational quality of the site.
- 6.6 It is considered that the development of this site for a car park to serve the Gedling County Park would have a negligible impact on the enjoyment of the wider park and on the provision of open space. The area of land within the application site, is not currently in a formal use or open to the public. 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 in addition to reducing on street overspill car parking onto Spring



Lane. The proposed development would not have an adverse impact upon how the site is used and the development would enhance the parks attractiveness as a recreational destination through the provision of additional car parking.

- 6.7 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 car park would assist in supporting the provision of tourist and visitor facilities and in this regard, it is considered that the proposal has the potential to contribute positively for the benefit of the community. It is my view that the proposal therefore accords with the requirements of the NPPF, ACS Policy 16 and Policy LPD20 and accordingly the principle of development is acceptable.

## **7.0 Transport and Highways**

- 7.1 The Design and Access Statement submitted with the application states that there is an urgent need for additional parking provision. During popular days and times, the existing car park becomes full causing parking on the adjacent roads and open spaces in an unmanaged and disruptive manner. The proposed additional car parking is therefore proposed to provide additional site managed public car parking. Furthermore, it is proposed to improve visitor access to the existing facility with an aim to encourage greater use of the Country Park.
- 7.2 The Design and Access Statement also states that the Gedling Country Park is also accessible from the Lambley Lane Recreation Ground. However this access is not accessible for people with mobility issues or pushchairs and therefore the proposed car park aims to increase accessibility into the park through the provision of additional car parking.
- 7.3 It is noted that the neighbour objection identifies that the car park has been extended twice and they consider that need for more parking is exaggerated, with parking only causing an issue during Park Run events on a Saturday morning and that this issue has been addressed since the double yellow lines have been installed.
- 7.4 The comments from Highways Authority are also noted which state that they have no objections in principle to the proposal and support the proposal as it will help reduce the likelihood of vehicles being parked on-street in the vicinity of the Country Park. 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 any existing on-street car parking in the immediate locality during peak times of use. It is therefore considered that the increase in onsite car parking provision could be seen as a planning gain alleviating existing on street car parking problems.

- 7.5 The proposed layout is acceptable from a highway perspective with each space measuring 5m x 2.5m and incorporating a 6m wide road to allow adequate manoeuvrability. The proposed car park is accessed via the existing main vehicular access into the Gedling Country Park which provides a safe and appropriate access.
- 7.6 In light of the Highways Authority's comments and the potential planning gain for this proposed development, it is considered that the proposal is acceptable from a highway perspective and is fully in accordance with policy LPD61.

## **8.0 Nature Conservation and Ecology**

- 8.1 Paragraph 170 of the NPPF states that when determining planning applications, decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity should aim to conserve and enhance biodiversity.
- 8.2 It is noted that the site is not covered by any statutory nature conservation designations. The application is supported by a Preliminary Ecological Appraisal (PEA) dated June 2019 and this concludes that there was no rare or particularly notable habitats were present that are considered to be Habitats of Principal Biological Importance on Section 41 of the NERC Act 2006 or Priority Habitats on the national Biodiversity Action Plan. However, the site does provide good potential habitat for a variety of wildlife including the dingy skipper (butterfly) and nesting birds. They also provide foraging/commuting habitat and potential sett-digging habitat for badgers although it is considered unlikely that a badger set is presented within the area to be affected.
- 8.3 The development as proposed will involve the loss of scrubland, scattered trees and a small stand of immature woodland including the removal of scrub on the north-facing bank to the south of the new car park to facilitate the re-grading of the bank. The materials arising from the regrading of the bank will then be used to create a series of bunds to the west and north of the proposed car park to provide further quality habitat for dingy skipper and other invertebrates.
- 8.4 A series of measures are proposed within Section 6 of the PEA report to provide adequate mitigation, compensation and enhancement for the main potential impacts of the development. These include:

### Mitigation

- Work area to be kept to a minimum and any grassland disturbed during the working phase to be re-instated.
- Any storage of plant or machinery to be on areas of hardstanding to avoid unnecessary disturbance to semi-natural habitats.
- No storage of materials, equipment or plant under the canopies of mature trees.
- Measures to protect common amphibians if found during construction.
- Measures of clearance by hand and good practices during construction to protect any commuting and foraging badgers.

- Lighting measures to protect bats.
- Clearance to be undertaken outside of bird breeding seasons (March to September).

### Compensation

- Land to the north of the drainage ditch, should be permitted to develop naturally into dense, scrubby habitat in order to compensate for the loss of dense scrub on the north facing bank.
- 20 bird nesting boxes to be installed on mature trees in the woodland edge to the east of the car park.
- A series of bunds to be provided to the west of the new car park to compensate for the loss of dingy skipper habitat and provide habitats for the dingy skipper and other invertebrates.

8.5 One of the recommendations relates to lighting and the Applicants Agent has confirmed that no lighting is proposed.

8.6 It is considered that whilst the loss of habitat is unfortunate, the submitted Preliminary Ecological Appraisal identifies a series of mitigation and compensation measures to address the ecological impacts of the development. Subject to the full implementation of the measures outlined within Section 6 of the PEA Report, the application is acceptable and is in compliance with the policies within the NPPF and Core Strategy Policy 17 and LPD18.

## **9.0 Local Landscape and Visual Impact**

9.1 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’.

9.2 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.

9.3 It is considered that the development of the proposed car park would be well screened by the landform to the south, the existing trees and hedging to the north and would be screened from the west by existing landscaping. The application also provides new and enhanced landscaping bunds to the north and west of the site to further mitigate the landscape impact as well as providing ecological enhancements and compensation.

9.4 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 of the car park from Spring Lane although I do consider that the design would complement its setting and the proposed landscape bunds provide additional mitigation and compensation. In light of the above it is considered that the proposal is acceptable in visually amenity terms and would be in accordance with policies 10 of the Aligned Core Strategy and LPD 19.

## **10.0 Local Residents / Amenity**

10.1 The proposed new car park is located to the south of Spring Lane and some 30m from the northern boundary of the Gedling Country Park. The northern boundary of the Gedling Country Park is screened from Spring Lane by the existing hedging and tree planting with the nearest residential property that forms part of Crimea Farm being located to the north of Spring Lane. New and enhanced landscaping bunds are proposed to the north of the proposed car park which provides additional screening. Due to the separation distance and the existing screening between the proposed car park and the nearest residential property, it is considered that there will be no undue impact on the private amenity of neighbouring residential properties in the area that would justify a reason for refusal.

Given the above, I consider the proposal to accord with all relevant aims of policy LPD32 and is acceptable in this regard.

## **11.0 Surface Water Drainage**

- 11.1 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.
- 11.2 The proposal incorporates a sustainable urban drainage scheme that includes a permeable ground reinforcement paver system and drains under the car park that that will return all surface water into the existing drainage ditch system. It is considered that the proposal is acceptable and complies with ACS Policy 1 and LPD Policy 4.

## **12.0 Other issues**

- 12.1 There is no requirement to consult with the occupier of neighbouring land prior to the submission of a planning application.
- 12.2 Questions regarding funding and whether the car park is value for money are not material planning considerations that should be given any weight in the determination of this application.
- 12.3 Comments regarding the fact that vehicles that are too high to get under the barrier to the site, parking in adjacent farm access, is a private legal matter and this application does not create or exacerbate this issue. Questions whether another building is planned is also not a material planning consideration for the determination of this application. Any future development proposals requiring planning permission will be subject to full public consultation and will be considered in the basis of its merits.
- 12.4 The comments raised by the Friends of Gedling Country Park in relation to the tree planted on Remembrance Day 2016 are noted and the Council's Park's and Street Care Service has confirmed that the tree will be protected during construction works.

## **13.0 Conclusions**

- 13.1 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.

13.2 In light of the considerations given above in relation to :

- The Principle of Development / Proposed Use including the public benefit;
- Transport and Highways;
- Nature Conservation / Ecology;
- Local Landscape and Visual Impact;
- Surface Water Drainage

13.3 I consider that, on balance and taking into account the public benefits that would be generated as a result of this proposal, that it would constitute sustainable development. Given the considerations set out 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 This permission shall be read in accordance with the application form, Existing Layout POS/190401/E-01, Proposed Layout Plan 1-500 drawing no POS/190401/P1-01, Soft Landscape Works and Ecological Mitigation Proposals drawing no POS/190401/P-05, Proposed Sections & Details 1 drawing no POS/190401/P-03, Proposed Section & Details 2 drawing no POS/190401/P-04, Proposed Layout Plan drawing no POS/190401/P-02 received 29th July 2019 and Amended Site Location Plan drawing no POS/190401/E-04 received 25th September 2019. The development shall thereafter be undertaken in accordance with these plans/details.
- 3 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the 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 thereafter be undertaken in accordance with the requirements of the Local Planning Authority, 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.
- 4 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be

undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

- 5 Prior to the first use of the hereby permitted car park, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of three (3) Electric Vehicle Recharging Points; with appropriate cable and infrastructure provision to allow this to increase to five (5) points in total in future years. The Electric Vehicle Recharging Points shall be installed not later than 6 months from the first use of the hereby permitted car park and shall be thereafter maintained in the location as approved for the lifetime of the development.
- 6 The Soft Landscaping Works and Ecological Mitigation Proposal as identified on drawing no POS/190401/P-05 received on 29th July 2019, shall be carried out in the first planting season following the completion of the car park. Any trees, shrubs or plants that die within a period of five years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.
- 7 The development shall be undertaken in accordance with the recommendations set out in Section 6 of the Preliminary Ecological Appraisal received on 15th October 2019.

## **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 4 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 5 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 6 To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Core Strategy Policy 10, 17 & 19 and LPD18 & LPD32
- 7 In the interests of protecting ecological interests

## **Reasons for Decision**

In the opinion of the Borough Council the proposed development would be visually acceptable and would not result in a significant undue impact on the amenity of neighbouring properties. Subject to the proposed mitigation and compensations measures outlined within the Preliminary Ecological Appraisal, the proposal appropriately mitigates against any habitat loss and provides ecological enhancements. The proposal is also acceptable from a highway perspective and the potential planning gain for this proposed development in terms of reducing on street parking and providing a more accessible recreational facilities overcomes any potential issues. In this regards proposed development would be in accordance with the advice contained within the NPPF (2019), Policy 10, 13, 13, 16 and 17 of the ACS (2014) LPD4, LPD11, LPD18, LPD19, LPD20, LPD32 and LPD61 of the Local Planning Document (2018).

## **Notes to Applicant**

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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