



**Application Number:** 2013/1518  
**Location:** Site Of The White Hart, Mansfield Road, Arnold,  
Nottinghamshire



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## **Report to Planning Committee**

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

### Site Description

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

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

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

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

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

### Relevant Planning History

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

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

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

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

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

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

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

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

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

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

### **Proposed Development**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Consultations**

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

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

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

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

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

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

1. Interim Comments on Original Submission

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

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

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

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

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

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

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

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

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

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

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

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

## 2. Comprehensive Comments on Original Submission

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

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

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

#### *Parking*

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

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

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

#### *Proposed Pedestrian Links*

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

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

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



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

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

### 3. Additional Information

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

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

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

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

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

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

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

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

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

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

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

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

1. Positive

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

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

The proposed building has some height to the front.

There is a distinct entrance.

2. Negative

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

The materials reflect its industrial style.

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

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

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

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

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

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

This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

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

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

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

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

Borough Council:

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

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

1. Travel Plan

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

*Green Vehicle Infrastructure*

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

*Delivery Vehicle Emissions*

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

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

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

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

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

2. Landscaping

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

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

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

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

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

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

### **Planning Considerations**

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

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

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

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

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

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

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

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (hereafter referred to as the ACSSD), which it considered to be sound and ready for independent examination. Following the Examination hearings, the Borough Council has published main modifications to the ACSSD and together these documents set out Gedling Borough's latest planning policy position. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the ACSSD as proposed to be modified than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given).

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

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

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

#### Retail Planning Policy Considerations

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

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

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

the policy in determining this application.

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

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

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

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

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

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

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

Overall it is clear that proposals have to demonstrate that:

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

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

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

## 1. Sequential Assessment

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

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

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

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

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

## 2. Impact Assessment

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

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



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

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

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

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

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

### Highway Safety Considerations

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

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

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

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

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

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

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

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

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

### Design Considerations

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

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

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

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

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

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

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

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

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

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

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

#### Arboricultural & Landscape Considerations

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

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

townscape.

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

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

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

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

#### Amenity Considerations

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

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

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

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

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

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

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

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

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

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

### Sustainability Considerations

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

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

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

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

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

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

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

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

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

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

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

### Other Issues

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

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

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

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

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

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

### Conclusion

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

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

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

**Recommendation:**

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

**Conditions**

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

unless otherwise prior agreed in writing by the Borough Council,

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



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

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

## **Reasons**

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

10 and 11 of the National Planning Policy Framework and Policy 1 of the Aligned Core Strategy Submitted Documents.

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

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

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

### **Reasons for Decision**

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

### **Notes to Applicant**

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

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

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

In order to carry out the off-site works (access/exit to the site and works on nearby traffic signalled junction and provision of tactile paving crossing etc), you will be undertaking work in the public highway which is the land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake these works you will need to enter into an agreement under Section 278 of the Act.

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

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

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