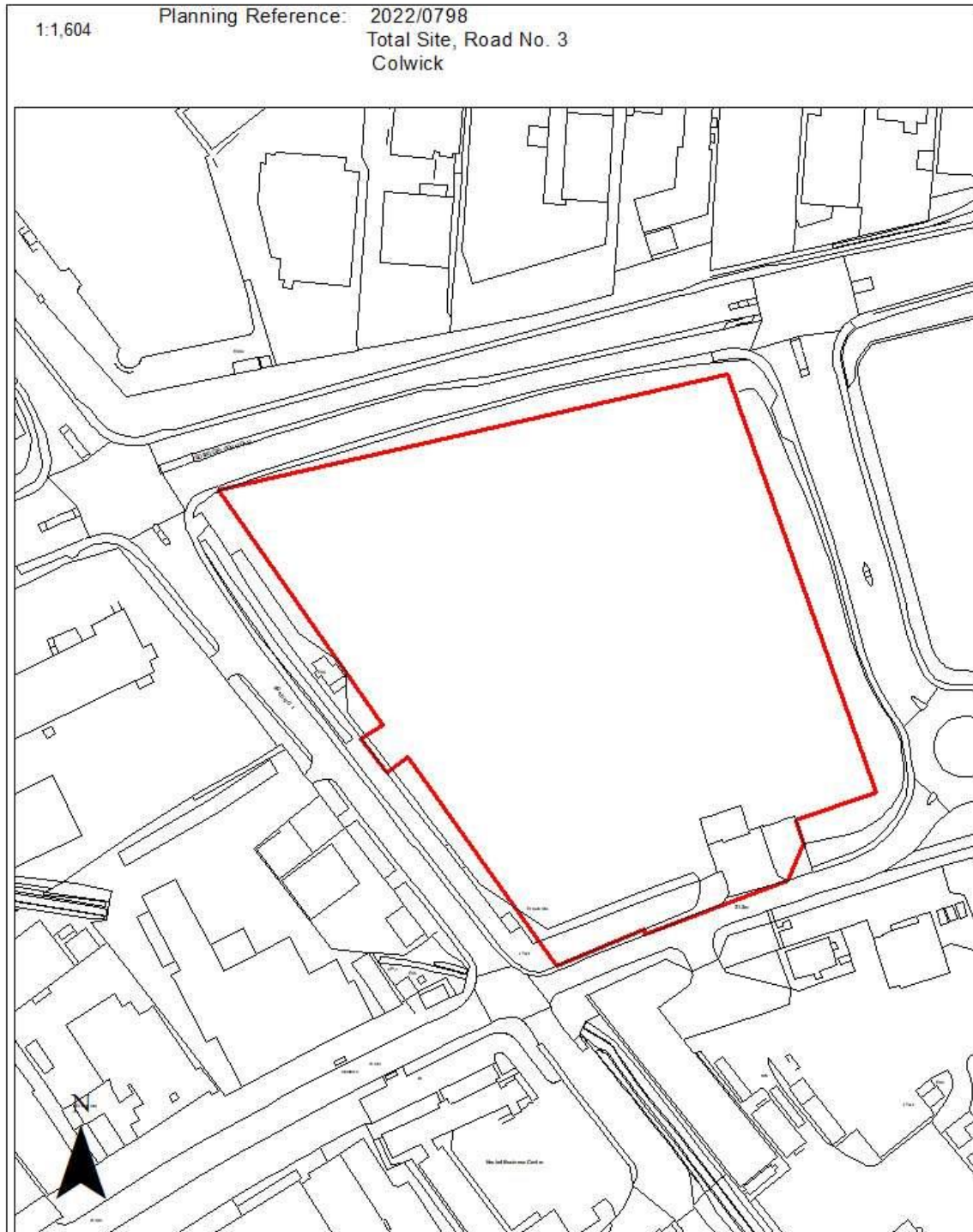




Planning Report for 2022/0798



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

Application Number: 2022/0798

Location: Total Site Road No 3 Colwick NG4 2JS

Proposal: Full planning application for: 1) erection of a building for use as a builders merchant (Sui Generis) with trade counters and ancillary kitchen joinery showroom for the display, sale and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage including storage racking; and 2) erection of industrial and logistics units (Use Classes E(g)(iii), B2 and B8); together with access and servicing arrangements, parking and landscaping, boundary fencing and associated works.

Applicant: Chancerygate (Nottingham) Limited

Agent: Savills

Case Officer: Peter Langton

This application is for development that equates to more than 5000 square metres of commercial floorspace and therefore, in accordance with the Council's Constitution, this application has been referred to Planning Committee for determination.

1.0 Site Description

1.1 The application site comprises land on an established industrial site, and was formally occupied by Total as a petrochemical storage and distribution facility. The site is now vacant having been cleared of all storage tanks and office buildings. The site is bounded by Colwick Loop Road to the north and Private Road No 1 to the west. To the east a new builders merchant is currently being developed, with the new Sainsbury superstore beyond this. The surrounding area is generally characterised by industrial and commercial buildings, with some offices and retail in the surrounding area also.

1.2 The application site is within flood zone 3, in an area benefitting from flood defences. The land is set slightly down from the Colwick Loop Road to the north, although the site is generally flat. There is existing access to the site from Road No 3 to the south.

2.0 Relevant Planning History

2.1 The application site is vacant and has no extant planning permissions for development. Whilst there is an extensive planning history for the site none of these previous applications are considered relevant given the existing vacant state of the site.

3.0 Proposed Development

3.1 This application seeks permission for the redevelopment of the site. The proposed development comprises the erection of a building for use as a building merchants, and the erection of 13 industrial and logistics units (Use Classes E(g)(iii), B2 and B8) including trade counter floor space, mezzanine levels, parking and landscaping, and boundary fencing. A total of 9,377 sq.m (Gross External Area) is proposed across the site.

4.0 Consultations

4.1 Neighbouring properties have been consulted and a site notice and newspaper advert have been posted. No public representations have been received.

4.2 NCC Highways – No objection subject to conditions in respect of parking and access provision, provision of bus stop, re-instating kerb on redundant access, and planting of highway trees.

4.3 Scientific Officer – raises no objection subject to conditions in respect of EV charging, contaminated land and CEMP.

4.4 Environment Agency – No objection subject to condition requiring the development be carried out in accordance with the flood risk assessment and that a remediation strategy for dealing with potential ground contamination is submitted prior to the commencement of development.

4.5 Lead Local Flood Authority – No objection subject to development being carried out in accordance with drainage plan as submitted.

4.6 Tree Officer – No objection to proposed planting plan.

4.7 Health and Safety Executive - Advises against granting planning permission as the site is within the consultation distance for a site that has an extant hazardous substances consent.. They advise that they would not object if a condition was attached that development cannot commence until the hazardous substance consent has been revoked.

4.8 Nottinghamshire Wildlife Trust – No comments received.

4.9 Severn Trent – No comments received.

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 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 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG). The Greater Nottingham Aligned Core Strategy Part 1 Local Plan and the Local Planning Documents (Part 2 Local Plan) is also pertinent.

5.3 The Gedling Borough Council Aligned Core Strategy (GBACS) (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:

Policy 1: Climate change

Policy 4: Employment Provision and Economic Development

Policy 10: Design and Enhancing Local Identity

5.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:

LPD 3: Managing Flood Risk

LPD 4: Surface Water Management

LPD 7: Contaminated Land

LPD 11: Air Quality

LPD 18: Protecting and Enhancing Biodiversity

LPD 32: Amenity

LPD 44: Retention of Employment and Employment Uses

LPD 48: Local Labour Agreements

LPD 57 Parking Standards

LPD 61: Highway Safety

5.5 Parking Provision for Residential and Non-Residential Development Supplementary Planning Document (2022)

5.6 Low Carbon Guidance for Gedling Borough (May 2021)

6.0 Planning Considerations

Principle of Development

6.1 The application site falls within an established industrial estate where the principle of such uses are supported, subject to compliance with a number of

criteria and policies outlined above. LPD 44 is considered to be most pertinent and identifies that 'planning permission will be granted for the expansion, conversion or redevelopment of land and premises for employment uses on allocated employment sites provided', amongst other things, the use is within use classes B1 - B8 and sui generis uses of a similar nature; the development is of an appropriate scale; would not have an adverse impact on amenity; highway safety is not detrimentally impacted, nor heritage assets detrimentally affected. Given that the application site falls within flood zone 3, there would be a need to have regard to possible impacts on flooding. These matters are explored in more detail in this report; however, the broad principle of development, which would enhance the commercial use on site, is supported.

Impact on the character and appearance of the area

- 6.2 The proposed development consists of 5 main blocks of commercial buildings, blocks 1 – 4 will be divided into individual industrial units (units 1-13), with block 5 being the builders merchants. The built form is largely focused on the centre and east of the site, set in from the west boundary which will be predominantly used for parking and access.
- 6.3 The buildings will generally be of a scale and appearance that is in keeping with the commercial nature of the surrounding area. The materials to be used will be reflective of the area, and a mix of materials is proposed to break up large elevations and add interest to the appearance of the scheme.
- 6.4 The most visually prominent of the buildings will be block 4 (units 7-11) which is positioned to the north of the site adjacent to the Colwick Loop Road. Block 4 has a ridge height of circa 11.65 metres. Whilst this will be a prominent building when viewed from the Colwick Loop Road, the height is not out of keeping with other buildings along the loop road, including the print works building to the north and other buildings to the west. Furthermore, there is a circa 1m drop in level from the highway to the application site, and significant planting is proposed along the north boundary of the site to provide natural screening which will be in keeping with the character of the green corridor along the Colwick Loop Road.
- 6.5 Block 2 (units 1-6) to the east of the site will be set in from the adjacent highway by an existing green buffer. There is an existing builders merchant to the east of the intervening highway which is currently under construction which the proposed buildings will be read as being in keeping with.
- 6.6 To the south and west of the site the surrounding land uses become increasingly commercial and industrial. It is considered that the design of the buildings within the site will be in keeping with the character of the area.
- 6.7 The proposal is therefore considered to be in accordance with Section 12 of the NPPF (2021) and Policy 10 of the GBACS (2014).

Impact on the neighbouring amenity

- 6.8 The application site falls within an established industrial estate where there are a wide range of nearby commercial uses. There are no residential properties in

the nearby locality that would be detrimentally impacted and it is not considered that the use of the building would be harmful to the amenity of adjacent industrial units.

- 6.9 The site is a standalone site bordered by highways on all four sides and as such there will be a significant separation distance between the proposed buildings on the site and any neighbouring properties. As such it is considered that the proposal will not result in an unacceptable overbearing or overshadowing impact for the residents of any neighbouring properties.
- 6.10 Taking the above into account it is considered that there would be no unacceptable adverse impact on the amenities of the occupiers of adjacent properties in accordance with policies LPD 32 and LPD 44.

Highway and parking

- 6.11 The proposed development will utilise the existing access from Road No 3 to the south of the site for units 1-13, with a new access proposed from Road No 1 to the west of the site for the builders merchants. The proposed new access requires the relocation of the bus stop on Road No 1, which has been agreed with the Highway Authority, who also raise no objection to the proposed access.
- 6.12 The application has been supported by a transport assessment and framework travel plan, both of which have been reviewed by the Highway Authority who raise no objection to the proposal. The assessment and modelling carried out indicates that additional traffic generated from the site will be accommodated on the local road network, without the need for improvements to highways or junctions. A total of 73 parking spaces are proposed to serve the industrial units (units 1 – 13), with 14 lorry spaces proposed which equates to at least one per unit. Of these spaces 14 will be fitted for electric vehicle charging, and 13 disabled spaces will be provided, equating to at least one of each per industrial unit. A further 32 spaces are provided for the builders merchant, 5 of which will have electric charging points and one of which will be a disabled space. The builders merchant will also have 3 parking spaces for HGVs.
- 6.13 In respect of parking provision, the Council's parking standards SPD states that parking provision for non-residential development should be in accordance with the Nottinghamshire County Council Highway Design Guide (2021). Regular discussions have taken place between the applicant and the Highway Authority who has raised no objection and confirms that the parking and turning areas within the site meet their requirements. Based on the location of the application site which is in close proximity to Nottingham and Carlton, with regular public transport services nearby the requirements from the design guide for the industrial units is 1 space per 130 sq.m of floor space. The parking proposed for the industrial units equates to 1 space per 107 sq.m of floor space. The design guide does not set out requirements for the builders merchant as it is a sui generis use. The parking demand for this unit was derived from a sample of similar sites to establish the average number of spaces provided per unit of floor area. The result identified 30 spaces would be appropriate, with 32 proposed. On this basis the proposed level of provision is deemed acceptable.

- 6.14 In addition to the car parking space, a total of 30 cycle parking spaces will also be provided across the site which will help to encourage sustainable transport methods. This will be further aided by the close proximity of the site to bus stops and routes. In combination with the 19 car parking spaces that will be fitted with electronic vehicle charging points it is considered that the need to lessen the impact of climate change has been considered as part of this proposal in accordance with the Low Carbon Planning Guidance for Gedling Borough Council (May 2021)
- 6.15 Having regard to the above it is considered that the application complies with policy LPD57, LPD 61 and the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) in respect of parking standards and highway safety.

Ecology and Landscaping

- 6.16 The application site is not a designated wildlife site. A biodiversity survey has been carried out on the site and a report submitted with this application. The survey found no evidence of protected species on the site and identified no insurmountable constraints to the proposed development from an ecology and nature conservation perspective.
- 6.17 There are a number of trees and vegetation around the boundaries of the site, although it is noted that most of these are outside of the red line application site. There are no trees in or around the site that are covered by Tree Preservation Orders. To facilitate the proposed development a number of trees require removal. As these trees are mainly on Highway Authority owned land these removals have been agreed with the Highway Authority and a scheme of replacement tree planting agreed. This includes trees to the north of the site adjacent to the Colwick Loop Road, which will help to enhance the existing green corridor along this route.
- 6.18 Soft landscaping is proposed throughout the site including new trees, hedgerows, shrub planting and grassed areas. The proposed landscaping will enhance the character of the surrounding area and the street scene on all sides when compared to the existing site and the former use of the site.
- 6.19 Overall it is considered that the proposed development is acceptable in respect of ecology and landscaping in accordance with LPD 18 of the Gedling Part 2 Local Plan.

Flood Risk

- 6.20 The application site is within flood zone 3 and as such is within an area that is at risk of flooding. As the site is within a designated protected employment area identified in a recently adopted Local Plan the sequential and exceptions tests are not required by the NPPF.
- 6.21 A Flood Risk Assessment (FRA) has been submitted in support of this application as required by the NPPF. Whilst the site benefits from flood defences it is acknowledged that were the defences to fail the site would be liable to flooding. It is considered unlikely that this scenario would happen, however, the FRA sets out safe access, egress and evacuation of the site in

the case of flooding. Floor levels are also set to be at a minimum of 600mm higher than existing site levels. The Environment Agency has reviewed the FRA and has raised no objection to the proposal.

- 6.22 A surface water drainage strategy has also been submitted and reviewed by the Lead Local Flood Authority who raise no objection to the proposal.
- 6.23 Overall it is considered that the proposal will not result in an unacceptable increase in flood risk to the application site or the surrounding area. The proposal is therefore considered to be in accordance with LPD 3 and LPD 4 of the Gedling Part 2 Local Plan.

Hazardous Substances

- 6.24 The Health and Safety Executive (HSE) is a statutory consultee for developments in the vicinity of major hazard sites and major accident hazard pipelines and provides land use planning advice to enable a Planning Authority to comply with the objective of Article 13 of the retained EC Directive 2012/18/EU in order to control proposed development around designated sites that would increase the risk or consequences of a major accident. The HSE normally considers its role to be discharged when it is satisfied that the Planning Authority is acting in full understanding of HSE's land use planning advice received and of the risk to public safety that could follow.
- 6.25 The HSE's land use planning advice in this instance is that there are sufficient reasons, on public safety grounds, for advising against the granting of planning permission in this case until the issue of the planning consent for hazardous substances at the Total Oil GB site has been addressed.
- 6.26 The HSE does however also state that they would not advise against the proposal if it was conditioned that prior to any work being carried out the hazardous substances consent is revoked. However, such a condition would be beyond the control of the applicant to be discharged as only the hazardous substances authority (in this case Gedling Borough Council) can apply to revoke the consent. As such the condition would not be reasonable and would not, therefore, comply with the tests set out in the NPPF and the Community Infrastructure Levy Regulations 2010 (as amended)
- 6.27 Notwithstanding the land use planning advice of the HSE it is considered that revocation of the hazardous substances consent at the Total Site has already taken place. Section 17 of the Planning (Hazardous Substances) Act 1990 (as amended) states that automatic revocation takes place if there is a change in the person in control of the land, unless an application for the continuation of the consent has previously been made to the hazardous substances authority. The Total Site has changed ownership since it was used for the storage of oil to which the hazardous substances consent relates. No further application has been made to the Council in its capacity as hazardous substances authority for a continuation of the hazardous substances consent at the site and therefore it is considered that the hazardous substances consent has been automatically revoked pursuant to s17(1) of the Planning (Hazardous Substances) Act 1990 (as amended).

- 6.28 Moreover hazardous substances consents are a key control in relation to the storage and use of hazardous substances that would pose a public safety risk. The Total Site has been decommissioned and cleared of all hazardous substances and the site has not been used to store any hazardous substances for a number of years. There is not therefore considered to be a public safety risk in relation to hazardous substances and in order for the site to become capable of storing hazardous substances again in future planning permission would be required and the Council would be able to control such development.
- 6.29 For the reasons set out above it is considered that the proposal should not be refused on the basis of the HSE's land use planning advice.

Other considerations

- 6.30 A construction and emissions management plan (CEMP) has been submitted by the applicant to support the application. The CEMP has been approved by the Council's Scientific Officer and it should be conditioned that the development shall be carried out in accordance with this in accordance with LPD 11 of the Gedling Part 2 Local Plan.
- 6.31 A Geo-Environmental Assessment has been submitted with the application to identify any potential contamination on the site, along with a remediation and Verification Strategy. The Environment Agency raises no objection in respect of land contamination, although they do not agree with the Remediation and Verification Strategy. As such, and in accordance with LPD 7 of the Gedling Part 2 Local Plan, they have recommended a condition requiring a remediation strategy dealing with the risks associated with contamination of the site is submitted prior to any development being carried out.
- 6.32 In accordance with LPD 48, the Borough council will seek to negotiate planning agreements to secure local labour agreements for development on 0.5 hectares of land or more, or development that will create more than 15 jobs. A Local Labour Agreement has been submitted with this application which confirms that the developer and their subcontractors will look to employ local contractors where feasible and viable. They will also look to ensure that where the required skilled workforce is available from the local area, all these companies will be given the opportunity to tender for the completion of the works. All sub-contractors will also be encouraged to use local labour where possible. Furthermore, the developer will look to offer onsite work experience placements for workers aged 16 plus. End users of the units will be encouraged and supported to fill a minimum 25% of the total full time jobs created with local residents, and the developer has also made commitments to establish relationships with Central College Nottingham or the New College Nottingham. It is considered reasonable and necessary in accordance with LPD 48 and Policy 4 of the Gedling Borough Aligned Core Strategy to condition that the proposed development is carried out in accordance with the Local Labour Agreement as submitted.
- 6.33 For the avoidance of doubt, there are no heritage assets in the locality that would be affected by the application.

7.0 **Conclusion**

- 7.1 The application site is within an established industrial estate and will enhance employment use on offer. The built form would respect the character of the area and amenity of adjacent users. Highway safety would be respected and parking provision is considered to be acceptable. Subject to conditions the development would be acceptable in respect of flood risk and contamination. The application is, therefore, deemed to comply with policies 1, 4 and 10 of the Aligned Core Strategy; policies LPD 3, LPD 4, LPD 7, LPD 11, LPD 32, LPD 44, LPD 48, LPD 57 and LPD 61 of the Local Planning Document and guidance within the NPPF, Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) and Low Carbon Planning Guidance for Gedling Borough (May 2021).

Recommendation: GRANT PLANNING PERMISSION: subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the following drawing and details; received by the Local Planning Authority on 8 July 2022 unless otherwise stated:
 - 21068-300 Revision P01 (Site Location Plan)
 - 21068-302 Revision P09 (Proposed Site Plan) - received 26 October 2022
 - 21068-310 Revision P02 (Unit 1 Proposed Elevations)
 - 21068-311 Revision P01 (Unit 1 Proposed Floor Plan)
 - 21068-312 Revision P02 (Unit 1 Proposed Roof Plan)
 - 21068-320 Revision P02 (Unit 2 Proposed Elevations)
 - 21068-321 Revision P02 (Unit 2 Proposed Floor Plan)
 - 21068-322 Revision P02 (Unit 2 Proposed Roof Plan)
 - 21068-330 Revision P01 (Unit 3 Proposed Elevations)
 - 21068-331 Revision P01 (Unit 3 Proposed Floor Plan)
 - 21068-332 Revision P01 (Unit 3 Proposed Roof Plan)
 - 21068-340 Revision P02 (Unit 4 Proposed Elevations)
 - 21068-341 Revision P02 (Unit 4 Proposed Floor Plan)
 - 21068-342 Revision P02 (Unit 4 Proposed Roof Plan)
 - 21068-350 Revision P03 (Unit 5 Proposed Elevations) - received 28 July 2022
 - 21068-351 Revision P02 (Unit 5 Proposed Floor Plan)
 - 21068-352 Revision P01 (Unit 5 Proposed Roof Plan)
 - 21068-900 revision P03 (Proposed Site Section) - received 12 September 2022
 - 853.29.02 (Planting Layout South)
 - 853.19.05 (Planting Layout North) - received 16 November 2022
 - 21068-801-P01 (Schedule of External Building Materials)

– Construction and Emissions Management Plan - received 17 August 2022

- 3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 4 Prior to the occupation of building(s) hereby permitted, Electric Vehicle Recharging Points (active) shall be installed in accordance with the details set out in drawing number 21068-302 Revision P09; with infrastructure installed for a further eighteen (18) in future years (passive). The Electric Vehicle Recharging Points shall be for the exclusive use of zero emission vehicles. The Electric Vehicle Recharging Points shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of car park users.
- 5 The development hereby approved shall be carried out in accordance with the Proposed Drainage Plan (21-034-CHA D01 Rev T3).
- 6 The proposed Builder's Merchant shall not be brought into use until the parking/turning/servicing areas as shown on drawing 21068-302 Revision P09 have been provided. The parking/turning/servicing areas shall be maintained in accordance with the approved details and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.
- 7 The proposed Builder's Merchant shall not be brought into use until the vehicular access from Road No.1 as shown on drawing 21068-302 Revision P09 has been provided.
- 8 The proposed industrial units shall not be brought into use until the parking/turning/servicing areas as shown on drawing 21068-302 Revision P09 have been provided. The parking/turning/servicing areas shall be maintained in accordance with the approved details and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.
- 9 The proposed development shall not be brought into use until bus stop GEO336 as shown indicatively on drawing 21068-302 Revision P09 has been provided unless otherwise agreed with the Local Planning Authority.
- 10 The proposed development shall not be brought into use until the redundant vehicular crossing on Road No.1 has been reinstated to verge, and full height kerbs provided along the footway.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any provision in any Statutory

Instrument revoking or re-enacting that Order) the development hereby permitted shall not be used for any purposes other than the builders merchant and uses falling within use class E(g)(iii), B2 and B8.

- 12 The development shall be carried out in accordance with the Local Labour Agreement dated September 2022; received by the Local Planning Authority on 28 September 2022.
- 13 The development shall be carried out in accordance with the submitted flood risk assessment (ref 21-034-CHA Road No.3, Colwick, dated 13 June 2022 and document titled Addendum To Flood Risk Assessment, dated 25 August 2022, compiled by I&L Consulting Ltd) and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than 20.95 metres above Ordnance Datum (AOD)
 - The proposed units shall be made to be floodable
 - There shall be a safe refuge areas on site and a safe access route off site (as per drawing document SK010 P1 - Proposed Safe Refuge Routes).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 14 The landscaping scheme as approved (including the trees to be planted on the public highway) shall be carried out in the first planting season following completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, 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.
- 15 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 - a. A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site
 - b. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - c. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of

pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

- 16 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 17 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
- 18 Piling or any other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interest of public health and safety.
- 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 that the development has sufficient surface water management, is not at increased risk of flooding, and does not increase flood risk off-site.
- 6 In the interest of highway amenity.
- 7 In the interest of highway amenity.
- 8 In the interest of highway amenity.
- 9 To promote sustainable travel.
- 10 In the interest of highway amenity.
- 11 To protect the vitality and viability of nearby local centres.

- 12 To enable local people to benefit from the development in accordance with LPD 48 of the Gedling Part 2 Local Plan (2018).
- 13 To reduce the risk of flooding to the proposed development and future occupants.
- 14 To ensure that the character of the area is respected and to comply with policies LPD18.
- 15 To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.
- 16 To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.
- 17 To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework
- 18 Piling can result in risks to water resources from, for example, mobilising contamination, drilling through different aquifers, and creating preferential pathways. Thus it should be demonstrated that any of these activities will not harm water resources in line with paragraph 174 of the NPPF. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Reasons for Decision

The application site is within an established industrial estate and will enhance employment use on offer. The built form would respect the character of the area and amenity of adjacent users. Highway safety would be respected and parking provision is considered to be acceptable. Subject to conditions the development would be acceptable in respect of flood risk and contamination. The application is, therefore, deemed to comply with policies 1, 4 and 10 of the Aligned Core Strategy; policies LPD 3, LPD 4, LPD 7, LPD 11, LPD 32, LPD 44, LPD 48, LPD 57 and LPD 61 of the Local Planning Document and guidance within the NPPF, Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) and Low Carbon Planning Guidance for Gedling Borough (May 2021)..

Notes to Applicant

The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

The development makes it necessary to construct/reinstate a vehicular crossing over a verge/footway of the public highway and provide public transport infrastructure. These works will take place on land that is subject to the provisions of the Highways Act 1980 (as amended), and is therefore land over which you have no control. Please contact licences@viaem.co.uk to ensure the necessary licences are in place prior to works commencing.

The development makes it necessary to plant trees in the public highway. You will therefore be required to obtain a cultivation licence under Section 142 of the Highways Act 1980 whereby you will be required to trim the area off to reduce competition for water/nutrients, and commit to a 3 year maintenance plan inclusive of watering.

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

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

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application regular discussions took place with the applicant to address any issues that occurred.

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution o treated materials can be transferred between sites as part of a hub and cluster project o some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to: The Position statement on the Definition of Waste: Development Industry Code of Practice and; The Environmental regulations page on GOV.UK

Authorised by

Planning Delivery Manager/Principal Planning Officer

Date
