



Application Number: 2014/0534

Location: Site Off Coppice Road Arnold Nottinghamshire



NOTE:

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Report to Planning Committee

Application Number:	2014/0534
Location:	Site Off Coppice Road Arnold Nottinghamshire
Proposal:	Erection of convenience store with associated car parking and service yard
Applicant:	Starfish Properties
Agent:	Freeth Cartwright LLP

Site Description

This application relates to site of the former petrol filling site located at the junction of Coppice Road and Ravenswood Road within the urban area of Arnold some 700m north east of Arnold Town Centre.

The petrol filling station and associated structures have been demolished some time ago, the site is cleared and some decontamination works have taken place. It is currently bounded by chain link fencing with overgrown shrubbery to the Coppice Road frontage.

Residential properties exist to the north, south and west of the site and to the east is a ribbon of commercial and light industrial units which includes a sandwich shop, car repairs and sales businesses and a double glazing showroom.

The adjoining dwelling to the south west is a semi detached property on Ravenswood Road which has a first floor landing window to this side elevation and which is set approximately 3m lower than the application site.

Directly opposite on Coppice Road are detached dwellings and the Coppice Lodge Care home

Immediately to the west of the site is two storey flat roof commercial building whilst on the opposite side of Ravenswood Road is a motor spares shop.

Proposed Development

Full planning permission is sought for the erection of a single storey convenience store with associated service yard and staff and customer parking. The building is set to the rear of the site and measures 13.08m in depth and 30m in width and has gross internal floor area is into 225 sq.m sales area and 112sq.m non sales area. It

has a flat roof design with a maximum height of 5m. A canopy and bollards are proposed to the front elevation.

10 no. parking spaces are proposed to the front of the site served by the existing access points.

A Design and Access and a Planning Statement have been deposited with the application outlining the context of the site, the design ethos of the proposal, planning policy context, material considerations, the principle and benefits of the development, its impact on the vitality and viability of the Arnold Town Centre and contamination issues.

A Retail Sequential Test has also been deposited with the application together with a contamination survey.

Additional plans and details have been deposited on the 28th of April and 1st of May in relation to elevation and noise details.

Amended plans have been deposited on the 27th May 2014 revising the tracking circle for delivery lorries.

Consultations

Planning Policy – It is considered that the key issue in relation to this proposal is the acceptability of the scheme in retail planning terms. The relevant national and local policies are outlined together with the requirement for a sequential test which should be applied and other locations in or on the edge of centre should be considered together. The impact on the vitality or viability on the nearby shopping centre should be considered and the need for the development demonstrated. Applications which fail the sequential test or are likely to have significant adverse impact should therefore be refused.

Overall, it is considered that the applicant has not identified any suitable or available alternative sites within or on the edge of Arnold Town Centre and has demonstrated due regard to the need for flexibility and disaggregation. The applicant has therefore demonstrated compliance with the sequential test.

Nottinghamshire County Council (Highway Authority) – No objections are raised in principle to the proposal. However, it would appear that a 10.7m delivery vehicle would not be able to perform a manoeuvre from the delivery area without driving over an area where a lighting column is proposed and the plan does not show how the delivery vehicle would manoeuvre into position. Furthermore the proposed turning area contradicts the proposed site plan as the delivery vehicle is shown in the same position as the service yard. It is therefore recommended that revised plans are submitted for further comment.

On receipt of a revised tracking plan, the development now looks to be satisfactory in highway terms and no objections are raised subject to conditions being attached should permission be granted requiring that no part of the development shall be

brought into use until driveways, parking and turning areas etc are provided in accordance with the approved plans and are surfaced in a hard bound material and constructed with drainage provision.

Environment Agency – Any responses will be reported verbally at Committee.

Severn Trent Water – No comments received.

Public Protection – It is noted that the application and details of the noise assessment suggests that the noise levels will be within the recognised guidelines. Providing the equipment is installed and conforms to these guidelines then it is unlikely that there would be any environmental protection issues. However, given that the timing cycles of similar appliances in similar situations have given rise to noise complaints it is suggested that the equipment should be operated so as not to give rise to such complaints.

Scientific Officer – Any responses will be reported verbally at Committee.

Adjoining neighbours have been notified of the proposal and a site notice posted. 13 letters and one statement with a petition of 793 signatories have been received which express the following concerns:-

- The proposed store will have an adverse impact on the vitality and viability of Arnold Town Centre particularly given the new supermarkets being built in Arnold;
- The nearby A1 retail unit is referred to as a corner store when it is a convenience store;
- The nearby local store is the hub of the community offering the same products as the proposed convenience store and provides a top up shop service;
- The proposed store will not increase employment opportunities. It would cause unemployment rather than the creation of jobs;
- The sequential test is not sufficiently robust and appears flawed. There are several convenience stores within walking distance of the site;
- The proposal would impact on amenity of the residents of the care home opposite the site in terms of noise nuisance;
- There is no need for another convenience shop in the area and should permission be granted the development would dilute the needs rather than serve the community in a positive manner;
- A similar enquiry was made previously which the Council advised would be unlikely to receive permission;
- The proposal would result in increased traffic generation and impact on highway safety;

- The proposal would raise noise and litter nuisance issues
- The proposal would have an adverse impact upon residential amenity; and
- There is no demonstration of an identified need for the development.

Planning Considerations

I consider that the main planning considerations in the determination of this application are

1. Whether the development accords with the retail policies;
2. Whether the proposal is of acceptable design and layout;
3. Whether there would be any adverse impact upon neighbouring properties;
and
4. Whether the proposal raises any highway safety implications

The following sections of the National Planning Policy Framework (2012) are particularly relevant in considering this proposal:-

Section 1 – Building a strong, competitive economy;

Section 2 - Ensuring the vitality of town centres (paragraphs 23-27);

Section 4 - Promoting sustainable transport; and

Section 7 – Requiring good design.

At a local level the following policies of the Gedling borough replacement Local Plan (Certain Policies Saved) 2008 are relevant:-

Policy ENV1 - Development Criteria;

Policy S11 – Retail Development Outside Shopping Centres;

Policy S13 - Local Day-to-Day Shopping Needs.

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents 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). Overall, while there are objections to the relevant ACS policies identified, these are not considered significant in terms of this application and significant weight can be given to the ACS policies identified above.

The following ACS policy is relevant in this instance:-

Policy 6 - Role of Town and Local Centres; and

Policy 10 - Design and Enhancing Local Identity.

Retail Planning Policy Considerations

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 and S13 of the RLP and Policy 6 of the ACSS.

Paragraphs 18 and 19 of the NPPF outline the Government's commitment to securing and encouraging economic growth.

Paragraph 24 of the NPPF 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 2,500sqm GFA (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 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. Policy S13 specifically refers to small scale (under 500sqm) stores which sell convenience goods. It sets out that these will be permitted provided they are located in an area of identified need and meet a number of general criteria related to amenity, highways

and design.

The ACSS 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.

The proposal is for a retail unit on Coppice Road which would not be located within an identified town centre. Therefore, in order to accord with national and local retail policy the applicant needs to demonstrate that (a) there are no sequentially preferable sites available and (b) that there would be no adverse impacts associated with the development.

Policy S13 was drafted under previous Planning Policy Statement 6 which was related to need and which is no longer in place.

In relation to need this is no longer a test in the NPPF. The need test is no longer applicable and has been replaced by the Impact Test. Given that the proposal is below 2,500sqm GFA, and there is no locally set threshold, it is not necessary to demonstrate compliance with the Impact Test.

Sequential Assessment

The applicants have submitted a Retail Sequential Test as part of the planning application.

Paragraph 3.6 of this document identifies the primary catchment area of the application site which has been defined using a 10 minute walking time (800m) which I consider acceptable.

The assessment outlines that a total of 7 alternative sites have been identified within the vicinity of the site which were available capable of accommodating a store of 279sqm and 417sqm. These have been assessed against the operator's requirements and discounted.

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

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 ACSS requires all new development to be designed to a high standard, 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.

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 am satisfied that the application site is of sufficient size to accommodate the proposed development without it appearing cramped and overdeveloped.

I consider that the design, scale and massing of the proposed building is acceptable and that it would sit well within the context of the application site and the wider streetscene. However, it is considered that the materials used within the proposal need to be given particular attention. I therefore consider that it would be reasonable, should planning permission be granted, that a condition be attached requiring the submission of samples of all external materials to ensure that these are acceptable.

The existing site has been vacant for a long time and is of poor appearance. I am of the view that the location of the proposed building and layout of the site will enhance the character and quality of the area. I am mindful that the opportunity to provide soft landscaping within the site is limited. However, I consider it reasonable that should permission be granted a quality landscaping scheme which would enhance the visual amenity of the site can be secured by condition.

Impact on Neighbouring Residential Amenity

Replacement Local Plan Policy ENV1(b) states that proposals should not have a significant adverse impact on the amenities of local occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. Policy S13 (g) of the Replacement Local Plan also states that outside the District and Local Shopping Centres planning permission will be granted for small scale shops providing they would not be seriously detrimental to residential amenity of nearby property.

I note the comments of Public Protection and consider that the proposed development would not adversely affect any neighbouring properties through increased noise. Notwithstanding this I consider that it would be reasonable to attach conditions, should permission be granted, requiring the submission of precise details of the proposed external plant and restricting noise levels to those detailed in the noise survey submitted on the 28th April and 1st May 2014.

I am mindful that residential properties are located immediately to the south west and south east of the site. However, I am also mindful of the previous use of the site as a petrol filling station and its location on a busy highway adjacent to existing commercial properties. Taking this into account I am satisfied that the proposal would not result in such an impact upon the amenity of neighbouring properties in terms of levels of activity to justify refusal.

Taking into account the single storey height of the proposed building and the relationship between the building and the neighbouring properties together with the orientation of the plots, I am satisfied that the proposal would not have any undue overshadowing or overbearing impacts.

Highway Safety Implications

With regard to the ability of vehicles and pedestrians to enter and leave a proposed development site safely, Policies ENV1 (c) and S13 (e) are relevant considerations. Policy ENV1 (c) states that development proposals should include adequate provisions for the safe and convenient access of vehicles and pedestrians, whilst Policy S13 (e) seeks to ensure that retail development will not impair the free flow of traffic or highway safety.

I am mindful that existing vehicular access points are to be utilised. I also note that the Highway Authority have raised no objections to the proposed scheme. I consider that it would be reasonable to attach conditions should permission be granted in relation to the provision and marking out of the parking spaces and the surfacing and drainage of the parking and turning areas as requested by the Highway Authority to safeguard highway safety.

Other matters

I note the comments received with regards to employment. Details deposited within the application outline that the proposed development would provide a total of 20-25 full or part time staff should permission be granted.

With regards to the comments in relation to the demonstration of need for the propose development and impact upon other convenience shops within the identified catchment area, I am mindful that, in line with retail policy, significant weight should be given to the creation of jobs and economic benefits and improvement in consumer choice and competition.

Whilst I acknowledged that the proposal will not have a significant impact on the vitality and viability of town centres, I note the comments received in relation to impact upon trade existing stores in the area. However, these retail businesses are out of centre and as such are not awarded the same level of protection in terms of retail policy. I am also mindful that significant weight should be given to the creation of jobs and economic benefits and improvement in consumer choice and competition. Taking the above into consideration I am therefore of the opinion that the weight to be attached to impact on other stores should be limited.

I note the comments received with regards to previous pre application advice. Any

advice given prior to the submission of a formal application is an informal opinion made at Officer level and is without prejudice to the recommendation to or final decision of the Borough Council. Any formal application is considered on its own merits. Advice may also be time limited as Planning Policy does change.

Conclusion

I am satisfied that the agent has demonstrated that there are no sequentially better sites within the centres within the defined catchment area that are suitable, available or achievable and there will be no significant impact on the vitality or viability of existing centres. The layout, scale and design of the proposed development is also acceptable. Given the proposals scale and relationship with nearby residential properties, its location and previous site history I am satisfied that it will have no undue impact upon residential amenity. The Highway Authority has raised no objections in relation to highway safety. As the proposed retail development would not give rise to any adverse impact, I am of the opinion that the proposed development at this location is suitable and that scheme accords with both the national and local retail policies outlined above.

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 approved shall be built in accordance with the approved plans drawing no. 13-078-W40, the revised plans drawing no.s 2717/001 Rev J and 2717/002 Rev J deposited on the 12th June 2014 and the revised tracking plan received on the 27th May 2014.
3. This development hereby approved shall comply with the Noise Assessment details deposited on the 28th April 2014.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council samples of all materials to be used in the external elevations of the proposed building. The development shall be carried out in accordance with the approved details thereafter.
5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the means of enclosure of the site. The approved means of enclosure shall be erected before the building is first brought into

use, and shall thereafter be retained unless alternative means of enclosure are agreed in writing by Borough Council as Local Planning Authority.

6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the means of surfacing of the unbuilt on portions of the site. The approved means of surfacing of the unbuilt on portions of the site shall be completed before the building is first brought into use.

7. Before development is commenced there shall be submitted to and approved in writing 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. 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.

8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of any ventilation or extraction plant or machinery which shall not operate above 45 dB at 10 metres in accordance with the email received on the 3rd June 2014. The ventilation or extraction plant shall be installed in accordance with the approved details before the use hereby permitted is first commenced. Ventilation or extraction plant that accords with the submitted details and specifications shall thereafter be retained in working order at all times for the lifetime of the development.

9. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details (which shall include siting) of the proposed external lighting to the car park, bollards and any CCTV equipment. The approved lighting, bollards and CCTV equipment shall then be installed and retained in accordance with the approved details for the lifetime of the development.

10. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the gates and fencing to the service yard. These shall be constructed in accordance with the approved details and retained for the lifetime of the development.

11. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the proposed lighting column. The lighting column shall be erected in accordance with the approved details.

12. Prior to the development hereby approved first being brought into use, the individual parking spaces, turning and service area shall be clearly marked out in accordance with the approved plan ref. 2717/001 Rev G. The spaces shall be kept

available for parking thereafter.

13. No part of the development hereby approved shall be brought into use until the access driveway/parking/turning areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway and parking areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent unregulated discharge of surface water to the public highway shall be retained for the life of the development.

14. No part of the development hereby approved shall be brought into use until all drives and parking areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and parking areas shall then be maintained in such hard bound material for the life of the development.

Reasons

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

12. In the interests of highway safety.

13. To ensure surface water is not deposited on the public highway causing dangers to road users.

14. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

Reasons for Decision

In the opinion of the Borough Council the proposed development will result in no undue impact on the vitality and viability of Arnold Town Centre or on the amenities of neighbouring properties, the character or appearance of the area or highway safety. The proposal therefore accords with the National Planning Policy Framework (2012) and policy ENV1, S11 and S13 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2008.

Notes to Applicant

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are therefore required to contact the County Council Highways Customers Services tel. 0300 500 80 80 to arrange for these works to be carried out.

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application to address concerns identified by officers in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

You are advised that separate advertisement consent may be required to display any advertisements on the premises.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should

need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.