

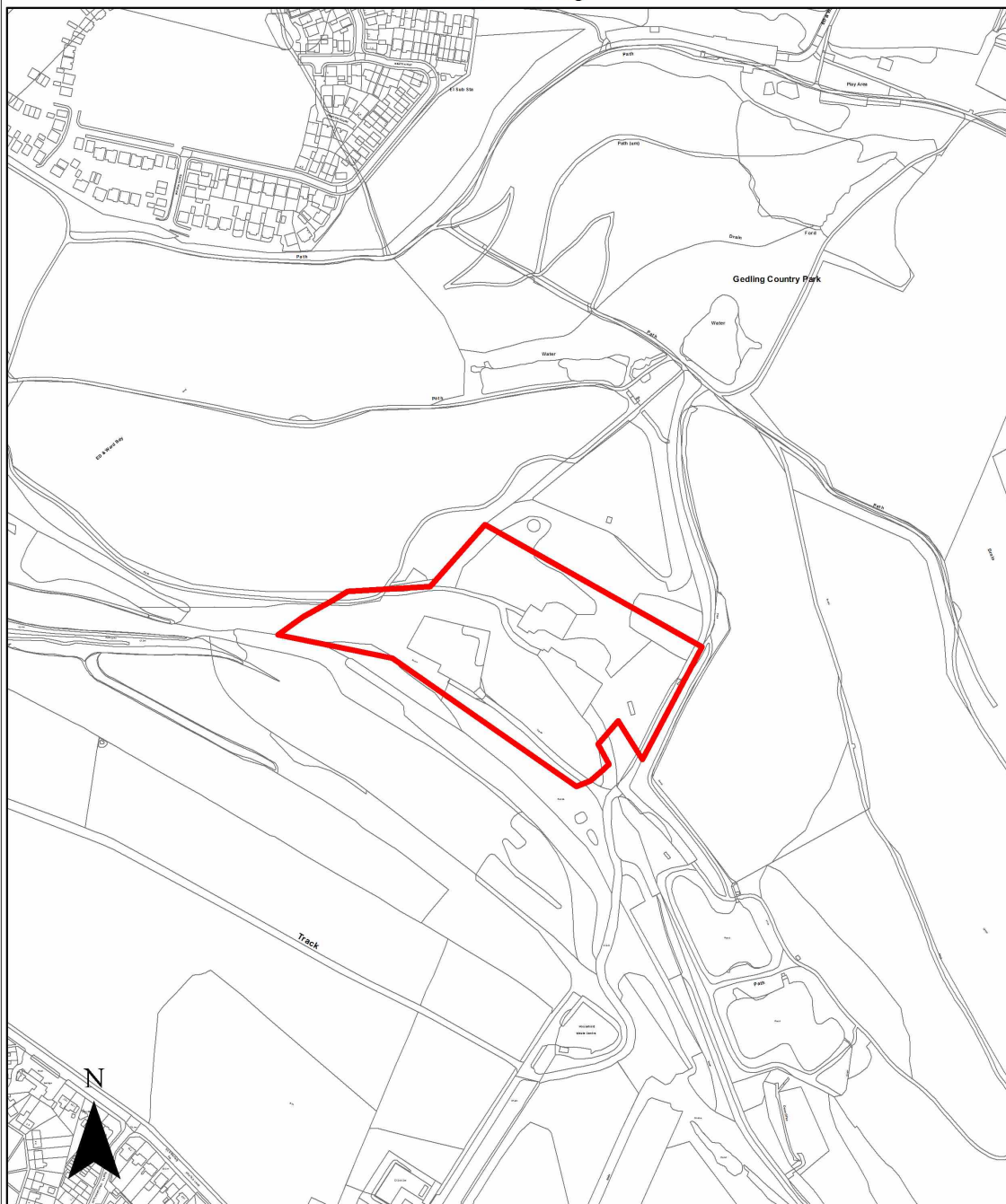


Planning Report for 2017/1571

1:4,500

Planning Reference: 2017/1571

Development Site Chase Farm
Arnold Lane Gedling



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Report to Planning Committee

Application Number: 2017/1571

Location: Development Site Chase Farm Arnold Lane Gedling

Proposal: Erection of employment units (Class B1c/B2/B8 Use), Pub/Restaurant (Class A3/A4 Use) and Drive Thru (Class A3 Use), together with associated parking, servicing and landscaping.

Applicant: Harworth Group Ltd

Agent: Pegasus Planning Group

Case Officer: Paula Daley

This application was presented to Planning Committee on 7th November 2018 for determination and it was resolved that the Borough Council would grant outline planning permission with matters relating to Appearance, Landscaping, Scale, and Layout reserved for subsequent approval; subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as local highway authority for the provision of, or financial contributions towards a Management Company, Integrated Transport Facilities, Translocation of Habitat and a Local Employment Agreement (in accordance with Section 14.0 of the report), and subject to conditions.

During the completion of the Section Agreement, it transpired that in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the correct notice had not been served on one of the land owners of the application site. The correct Article 13 Notice was subsequently served on the land owner on 3rd June 2019 and a new planning application form was submitted for consideration. Following the receipt of the above, new site notices, a press notice and relevant neighbour consultations were undertaken. No amended comments have been received to date. The application has not been amended in any other way and therefore the recommendation remains as per the 7th November 2018 Planning Committee Report with the which is reproduced in full below with the exception to an amendment to condition 3 which amends the date of the receipt of the amendment planning application form.

1.0 Site Description

- 1.1 The application site is situated to the north west of Lambley Lane, north of Gedling, and approximately 6.5km north east of the centre of Nottingham. The application site is to the north of Carlton, southeast of Arnold and west of Burton Joyce.
- 1.2 The site has an overall area of approximately 4.12ha and is located at the former Gedling Colliery. The site slopes generally from north to south, with the highest part located in the northern corner.
- 1.3 Gedling Colliery opened in 1899 and closed in 1991. The land occupied by the colliery extends between the A6211 Arnold Lane, Spring Lane and Lambley Lane. To the north is Gedling Country Park, which opened in March 2015, along with the recently opened visitor centre, café, children's play area, and solar park. To the south and south west is a residential led development known as Chase Farm. To date there has been 53 properties completed.
- 1.4 The site lies to the north, and would be accessed from the proposed Gedling Access Road (GAR) which has an extant planning approval reference: 2015/1033.
- 1.5 The application site is previously developed land which is now mostly reclaimed by grassland and areas of hardstanding remaining from the previous industrial uses.
- 1.6 The site is an Employment Allocation under Policy LPD71 in the Local Planning Document.
- 1.7 The site is covered by a Local Wildlife Site – the Gedling Colliery and Dismantled Railway LWS which includes Open Mosaic Habitat on previously developed land.
- 1.8 The site is located within Flood Zone 1 and not at risk of fluvial flooding. The flood risk assessment identifies that the site currently drains via a system of land drains to two existing lagoons located to the southeast of the site, which then drain into the nearby Ouse Dyke.
- 1.9 There is currently an energy plant run by Alkane Energy Limited in the northwest area of the site.

2.0 Relevant Planning History / Site Background

Relevant Planning History

- 2.1 In December, 2014, full planning permission was granted under application no: 2014/0915 for the GAR, the construction of which was proposed to be carried out in two phases.
- 2.2 In February, 2015, planning permission was granted under application no: 2015/0110 for a variation of condition 2 attached to planning permission no: 2014/0915 to amend the details of the approved plans so as to also refer to

additional drawings, showing limited vegetation clearance to allow gas main re-alignment and preparation for an interim roundabout, which would otherwise have constituted a commencement of development and require a wide range of pre-commencement conditions to be discharged at that stage.

- 2.3 In June, 2016, planning permission was granted under application no: 2015/1033 for a variation of condition 1 attached to planning permission no: 2014/0915 to enable the construction of the GAR to take place as a single construction programme, instead of two distinct, timed phases. The two phases would remain but there would be no restriction as to the order the phases are commenced.
- 2.4 On the 3rd March 2017 Conditional Permission was granted for the “Demolition of existing structures and phased development of 1,050 dwellings, local centre with retail units and health centre, and new primary school. Full planning permission for phase 1 to comprise the erection of 506 no. dwellings (2, 3, 4 and 5 bedroom houses and flats), vehicular access from Arnold Lane, internal roads and all associated infrastructure. Outline planning permission for subsequent phases, all matters reserved except for indicative access to the sites from phase 1, and future accesses from Gedling Access Road.” *app ref: 2015/1376.*

Site Background

- 2.6 The Gedling Borough Replacement Local Plan (adopted July 2005), now superseded by the adopted Local Planning Document (July 2018), provided a housing and employment strategy for the area which identified the former Gedling Colliery site as an allocated housing site for future development under H3 and the current application site as an allocation of employment land under RLP Policy E1. The Gedling Borough Local Planning Document (July 2018) provides an employment strategy for the site under Policy LPD 71 where the site is allocated for employment-led mixed use development. This is in recognition that a wider range of employment uses is required to help facilitate the development of the former colliery site. The development is reliant on the future construction of the GAR.
- 2.7 The construction of the GAR would follow a southern route from a new junction with the B684 created at Mapperley Plains, running parallel with the A6211 Arnold Lane, through the centre of the former Gedling Colliery site, to the east of which is Gedling Country Park. From the former colliery site, the GAR would cross a number of arable and pastoral fields, Glebe Farm and a section of the walled garden at Gedling House, which is a Grade II Listed Building, and a small section of the Carlton Academy grounds. The route would terminate at a new junction created with the A612 Burton Road, Burton Joyce. The proposed route of the GAR follows the route indicated on the Local Planning Document.
- 2.8 The GAR is a 3.8km road which unlocks the Gedling Colliery / Chase Farm site. The principle objectives of the GAR are twofold:
1. to facilitate the redevelopment of the Gedling Colliery / Chase Farm site and accommodate additional traffic generated; and

2. to provide a 'bypass' link around Gedling, linking the area with the wider strategic road network to help ease traffic congestion on local roads.
- 2.9 Nottinghamshire County Council is undertaking the land acquisition, design and construction of the GAR and have overall responsibility for its delivery, working in partnership with the Homes England, Gedling Borough Council, and Keepmoat. Compulsory Purchase Orders (CPOs) to secure land required by the road; are being managed by Nottinghamshire County Council and implemented as Local Highway Authority. In 2013, a Transport Modelling Appraisal established the basis for a phased programme of development. This allows the development of a maximum of 315 dwellings on the Gedling Colliery / Chase Farm site prior to completion and opening of the GAR.

3.0 Proposed Development

- 3.1 Outline Planning Permission is sought with all matters; except access, reserved for subsequent approval.
- 3.2 The application seeks permission for the erection of employment units (Use Class: B1c (Business) / B2 (General Industry) / B8 (Storage and Distribution)), a Pub / Restaurant (Use Class A3 / A4) and a Drive Thru (Class A3 Use), together with associated car parking, servicing and landscaping.
- 3.3 Access into the site would be provided via a connection to the GAR. All the proposed buildings, car parking and service areas would be accessed via a new access road that would run through the centre of the site.
- 3.4 Outline Planning Permission is sought for the erection of five units and a car park with the indicative parameters indicated below:
 - Drive Thru (Class A3 use) – approximately 280sqm;
 - Public House / Restaurant (Class A3 / A4 use) – approximately 800sqm;
 - Employment Units (Class B1c / B2 / B8 use) – 60,000sqft (5,574sqm) split across three 20,000sqft (1,858sqm) units; and
 - An overflow car park for the site measuring 0.15ha.
- 3.5 Access into the site would be via a new four-arm roundabout from the Gedling Access Road (GAR), the northern arm of which would be 7.3m wide.
- 3.6 A foul sewage pumping station is proposed to be discussed with Nottinghamshire County Council outside of the application site.
- 3.6 Various studies and reports have been submitted in support of this application and these are listed below:
 - Planning Statement (Pegasus Group);
 - Master planning (Harris Partnership);
 - Flood Risk Assessment and Drainage Strategy (Rodgers Leask);
 - Transport Assessment and Travel Plan (ADC Infrastructure);
 - Extended Phase 1 Habitat Survey Report (Applied Ecological Services);
 - Bat Survey Report (Applied Ecological Services);

- Breeding Bird Report (Applied Ecological Services).

- 3.7 The Design and Access Statement outlines the surface water strategy is to discharge runoff to the lagoons via a new on-site sustainable drainage networks incorporating water treatment.
- 3.8 The accompanying Transport Assessment demonstrates that the site is in a sustainable location with opportunities to travel by all sustainable modes of transport. The proposed new Gedling Access Road has been designed to accommodate the vehicle trips from both Chase Farm and the proposed development.
- 3.9 The development is located 800m from the nearest bus stop on Shelford Road; however, on completion of Chase Farm, a bus service would be rerouted close to the proposed development.

4.0 Application Publicity and Procedures

- 4.1 The application was publicised for representation on 10th January 2018 in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Five Site Notices advertising the application were displayed at Arnold Lane, Lambley Lane Recreational Ground, Glebe Farm View, Gedling Country Park, and Braunton Crescent. The required Press Notice has also been advertised in the Nottingham Post.

4.2 Neighbour Consultation and General Publicity Responses

- 4.2.1 The comments below were made in respect of this application. Three letters of representation were received as a result. One letter came from a member of the general public, one letter was received from the group 'Friends of Gedling Country Park' and, one letter was from 'Alkane Energy' a tenant at the site. Comments can be outlined as follows:

4.2.2 Landscape and Visual

- The development would not be in-keeping with the area.
- The proposed Industrial units would be harmful to the areas natural beauty and that of Gedling Country Park.

4.2.3 Highway Safety

- The proposed development would increase traffic of the GAR which is designed to reduce traffic.

4.2.4 Principle of Development

- Industrial development is not right for the area with the country park so near. It would be more suited to brown field land in Netherfield next to the retail park.
- The application form describes the land as vacant grassland, however, Alkane Energy operate from part of the site with a long term lease.

4.2.5 Land Contamination / Flood Risk / Pollution

- The application states that the surface water drainage for the site would be to two lagoons. It is intended for the surface water drainage from the site to be via these lagoons. These lagoons are important wildlife habitats and it is requested that planning permission is not granted until an alternative drainage strategy is agreed to protect the ponds.
- All new surface water drainage should use the attenuation proposed for the GAR.
- Surface water drainage into the existing ponds would result in unacceptable pollution.
- Consideration should be given to alternative drainage within the applicant's site which is not to be developed to prevent surface water from the higher areas entering the lagoons.
- The proposed foul sewage pumping plant is outside of the application site and within the Country Park which is in the ownership of Gedling Borough Council. The installation of the proposed pumping station would cause noise disturbance.

4.2.6 Ecology

- The site accommodates Dingy Skipper Butterfly and this is a registered species of importance for conservation in England under section 41 of the NERC Act (2006). It is also listed as a species of conservation concern under Nottinghamshire's Local Biodiversity Action Plan (LBAP) a Priority Species in the UK Biodiversity Action Plan. The proposal should incorporate a butterfly bank as way of mitigation from the proposed development.
- Mitigation measures to deal with the destruction of vascular plant habitat should be sought. Translocation of habitats would be welcomed to ensure no loss of habitat as a result of the development.

4.2.7 Loss of Amenity

- The site will require street lighting and premises lighting (no details provided). The proposal would result in potential light pollution adversely affecting bats, insects, birds and other wildlife. A detailed lighting strategy should be sought.
- Gedling County Park is very popular and the paths along the western and eastern edges are well used. The following could be considered adverse impacts to the amenity of users of the park:
 - Noise pollution from the employment uses.
 - The loss of visual amenity unless the building heights are restricted.
 - The formation of a bank on the north boundary of the development raises stability concerns due to the steep slope above the development. The problem could be mitigated by stabilising the slope by planting a variety of native species and shrubs on the bank.

- The proposed public house and coffee shop could be used by visitors to the park. Concerns are raised about the increase in litter which should be mitigated by the installation of litter bins on the application site.

4.3 Consultation Responses Received from Technical Bodies

4.3.1 Nottinghamshire County Council (Highway Authority (HA))

The development proposal is located to the North East of the Proposed Gedling Access Road (GAR). Main construction in relation to this road is due to commence in summer 2019 with completion anticipated late 2020. The proposal cannot be occupied or utilised until it has a suitable access to the GAR and this will not be available until GAR is completed.

The Transport Assessment has been reviewed for the site and the HA have compared the forecast traffic generation in the TA for the Employment, PH and Drive Thru against the traffic assumptions made in the traffic modelling for the Gedling Access Road planning application. The GAR junction design calculations assumed that the Chase Farm development site was used entirely for a mix of B1/B2 and B8 uses only. The hour generations used for the GAR junction design exceed those now forecast for the planning application site. In this case we can advise that the roundabout junction of GAR with the employment site would operate satisfactorily and with significant amount of spare capacity in both the GAR opening (2020) and design years (15 years after opening).

A planning condition would be necessary on this application which restricts the use of any part of the application site (2017/1571) until the Gedling Access Road is built and open to traffic in its entirety.

Parking provision has been assessed based on the proposed uses and is considered acceptable for this development. Displacement of parking is not likely to occur as the GAR will have a clearways order which will prohibit parking in the vicinity of the proposed development.

Servicing to plots is acceptable from the proposed new access road and areas within the plots have been reserved for turning vehicles.

4.3.2 Nottinghamshire County Council (Travel and Transport)

The closest bus stops would be in excess of 550 metres from the centre of the site, not 400 metres as stated in the Planning Statement. The local bus service contribution requested would enable the development to be served by bus and for this site, situated on an incline, to be sustainable in planning terms. The level of contribution is derived from the Council's Local Bus Service Funding Model and would support provision of a local bus service to serve the site, with a view to the service being sustainable at the end of the funding term. A summary of the factors used for the model includes the following: size of site; number of projected trips/ridership; gross vehicle cost; local bus modal share; average fare / yield per trip; build out projections.

For this site the Planning Statement states that the scheme could result in the region of 133 – 203 direct jobs (dependent on the eventual end users), and

also refers to an estimated additional 21 public transport trips in the average peak hour. The funding requested is based upon a projected level of 62 daily two-way trips from all users of the development (124 trips per day).

Using the above assumptions gives a local bus service contribution of £100,000, which would provide a service to serve the development and for at least two years, subject to review, based on usage and revenue. No contingency or inflation is applied. The level of the bus service contribution would be reviewed using the Local Bus Service Funding Model should there be a significant change to the scope of the Outline application submitted for the proposed development / numbers of jobs.

In terms of the total contributions sought, the Transport and Travel Services response dated 19/1/18 refers to a Public Transport contribution of £100,000, and a separate request for a bus stop contribution via a Section 106 agreement for bus stop improvements to the value of £26,000 to provide two new bus stops in the vicinity of the site or to provide upgrades to the closest available bus stops. As such the combined funding contribution requested is £126,000.

4.3.3 Nottinghamshire County Council (Waste and Minerals)

4.3.3.1 *Minerals*

The site is not within a minerals safeguarding and consultation area.

The site incorporates the whole area of the operational Gedling Energy Park; a site generating electricity from coal mine methane drained from historic mine workings under NCC planning references 7/2010/1033NCC and 7/2013/1212NCC until 4th August 2021. Nottinghamshire County Council are considering a further two applications to vary conditions to extend the life of the development until 2037. The extraction of mine gas is supported in the Nottinghamshire Minerals Local Plan policy M13.5.

The applicant is encouraged to discuss with the operator of the Energy Park how the current application will relate to the current permitted use as a Methane Drainage Site. Clarification should be sought on how these two uses would operate together and how the safe drainage of methane could be achieved should this development be approved.

In the planning statement emphasis is on the principles of sustainable development and the transition to a low carbon economy, and if the Energy Park were to be removed then this would remove a purpose-built facility which specifically contributes to these aims and objectives.

4.3.3.2 *Waste*

There are no existing waste sites within the vicinity of the site where by the development would cause a safeguarding issue.

4.3.4 Nottinghamshire County Council (Arboricultural Officer)

The application shows very little in terms of explaining how existing trees and vegetation are to be retained and nor does it explain fully what the proposed landscaping will consist of post development.

4.3.4.1 Tree and Scrub Retention

It would be recommended that a tree constraints plan (TCP) is produced showing the proposed development and identifying trees, hedges and wooded areas which are to be retained and removed.

A tree protection plan should also be overlaid to graphically show root protection areas for retained trees and hedges including locations of tree protection barriers in accordance with BS 5837:2012

4.3.4.2 Replacement tree planting

It would be recommended that a landscape plan is provided to graphically show the level of landscaping and details of all tree planting species and specifications in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations or as amended.

4.3.5 Nottinghamshire County Council (Ecology)

The application is supported by an Extended Phase 1 Habitat Survey, Bat Survey and Breeding Bird Survey.

The site sits within Gedling Colliery and Dismantled Railway Local Wildlife Site (LWS) (5/211), described as a 'former colliery with a notable plant assemblage and of faunal interest', the reasons for designation are listed as Botanical and Butterfly.

The site is correctly identified as supporting Open Mosaic Habitat on Previously Developed Land (OMH), which is a Habitat of Principle Importance in England (a 'priority' habitat) and its enhancement and protection is important. Of particular concern is the fact that the extent of the OMH habitat affected by the development has not been quantified, and no mitigation or compensation is proposed for its loss.

In summary, NCC objects to this application, and request that GBC defer a decision until the following matters have been addressed:

- The provision of further information in relation to the loss of Open Mosaic Habitat on Previously Developed Land, including mitigation and/or compensation measures and quantification of losses/gains using an ecological accounting approach.
- The undertaking of further surveys and/or assessment in relation to badger, common toad, grass snake and butterflies.
- A consideration of the combined impacts of this development when coupled with other adjacent developments (GAR and Keepmoat)
- The provision of more detailed mitigation and landscaping proposals in relation to dingy skipper.

4.3.6 Nottinghamshire County Council (Rights of Way)

No definitive paths are affected by the development.

4.3.7 Nottinghamshire County Council (Lead Local Flood Authority)

The information submitted is incomplete and does not allow for a detailed understanding of the applicants proposed methods of managing surface water.

4.3.8 Environment Agency

No objections subject to a condition for a remediation strategy to deal with the risks from contamination.

4.3.9 Severn Trent

No comments received.

4.3.10 Gedling Borough Council (Scientific Officer)

As it appears there is no desktop study / preliminary risk assessment has been submitted prior to, or with the planning application, it is requested phased contamination conditions are attached to any planning consent.

4.3.11 Gedling Borough Council (Parks and Street Care)

Parks and Street Care would welcome the transfer of Open Mosaic Habitat from the site to Gedling Country Park.

4.3.13 Gedling Borough Council (Economic Development)

The size of the development meets the thresholds for an Employment and Skills Strategy to be developed and implemented in accordance with the Construction Industry Training Board and the National Skills Academy for Construction's "Client Based Approach; Local Client Guidance for England" to be implemented during the term of the build to deliver employment and training activities – including work experience, jobs, apprenticeships and training.

5.0 Assessment of Planning Considerations

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

5.2 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (July 2018) and the additional information provided in the National Planning Practice Guidance (NPPG).

5.3 National Planning Policies

The following parts of the NPPF are of relevance to the principle of this application:

- Part 6 – Building a strong, competitive economy;
- Part 7 – Ensuring the vitality of town centres; and
- Part 15 – Conserving and Enhancing the Natural Environment.

5.4 Development Plan Policies

On the 10th September 2014 Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) which now forms part of the

development plan. It is considered that the following GBACS policies are relevant: -

- ACS Policy 2 – The Spatial Strategy;
- ACS Policy 4 – Employment Provision and Economic Development;
- ACS Policy 6 – The Role of Town and Local Centres;
- ACS Policy 7 – Regeneration; and
- ACS Policy 10 – Design and Enhancing Local Identity.

5.5 Local Planning Document – Part 2 – Local Plan

In July 2018 Gedling Borough Council adopted the Local Planning Document Part 2. The following LPD policies are relevant to this application:

- Policy LPD4 – Surface Water;
- Policy LPD7 – Contaminated Land;
- Policy LPD10 – Pollution;
- Policy LPD11 – Air Quality;
- Policy LPD18 – Protecting and Enhancing Biodiversity;
- Policy LPD35 – Safe, Accessible and Inclusive Development;
- Policy LPD48 – Local Labour Agreements;
- Policy LPD 32 – Amenity;
- Policy LPD 43 – Retention of Employment Uses;
- Policy LPD 71 – Employment Allocations;

5.6 In considering this application, regard has been given to the above legislation and policy and as a result it has been determined that the main planning considerations in relation to this application are as follows: -

- Principle of Development
- Transport and Connectivity
- Masterplan and Design
- Water Resources, Flood Risk and Drainage
- Land Contamination
- Meeting the challenge of climate change
- Ecology
- The Impact on Neighbouring Amenity
- Heritage and Archaeology
- Other Material Considerations

6.0 Principle of Development

6.1 At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 80 stating significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and the wider opportunities for development.

6.2 ACS Policy 2 (clause 4) makes provision for significant new employment development at Gedling Colliery Chase Farm. ACS Policy 4 elaborates where clause 4 e) enables the promotion of significant new economic development as part of sustainable Urban Extensions at Gedling Colliery/Chase Farm. ACS Policy 4 does recognise the need to cater for the full range of employment uses. ACS Policy 7 clause e) identifies Gedling Colliery / Chase Farm as focus for regeneration.

- 6.3 Policy LPD 71 Employment Allocations allocates the application site for employment-led mixed use development. The supporting text states inter-alia: *10.3 'The land to the north of Gedling Access Road is allocated for 5 hectares of employment-led mixed use development. This is recognition that a wider range of employment uses is required to help facilitate the development of this former colliery through an element of "pump priming" as the site has remained undeveloped for a number of years. It also recognises that the site's location adjoining the newly opened Gedling Country Park presents new opportunities for visitor related facilities that could provide significant levels of employment. The types of employment led mixed uses that the Borough Council would consider acceptable include an element of food and drink, such as pub/diner and coffee shop or other facilities connected with the Country Park. It is considered that the amount of pump priming development can be determined through the detailed planning process taking into account site viability. The site would be developed predominantly for suitable business (B1), storage and distribution (B8) and general industry (B2) uses, subject to the latter being appropriate in this location (which may require the imposition of suitable conditions on any planning permission).'*
- 6.4 It goes on to state: *10.4 'The employment allocation will provide sustainable employment opportunities close to the new housing provision and also contribute towards meeting the overall employment requirements for Gedling Borough. This site will have direct access to the new road making the site highly accessible'.*
- 6.5 Given that the site falls within a site allocated for the employment uses proposed there are no limitations in place in respect of its redevelopment for a mixture of B1 c, B2, B8 and A4 and A5 uses as proposed. The A4 and A3 uses are a small proportion of the overall floor areas proposed. The principle of the redevelopment of the site is acceptable subject to the detailed consideration of the following matters.

7.0 Transport and Connectivity

- 7.1 I note the comments from the Highway Authority which raise no objections to the proposed development subject to conditions relating to the submission of a Travel Plan and surfacing of the parking and turning areas.
- 7.2 I concur with the comments received and consider that the development would be acceptable in terms of highway safety and appropriate car parking provision.
- 7.3 I note that details relating to the access are being sought for detailed approval and the Highway Authority has not objected to the detailed plans. I am satisfied that the details of access are acceptable in this instance.
- 7.3 I note the comments from Strategic Highways in relation to the bus stop and redirected bus routes. In my view given the location of the development away from main town centres and good public transport linkages the contributions to support direct bus links to the employment site are reasonable in this instance to support the development. Contributions would be sought that are

proportionate to the development under the current NCC obligations strategy (detailed in section 14).

8.0 Masterplan and Design

- 8.1 Policy 10 of the Aligned Core Strategy requires all new development to be designed to make a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; reinforce valued characteristics; be adaptable to meet evolving demands and the effects of climate change; and reflect the need to reduce the dominance of motor vehicles.
- 8.2 Part 12 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; respond to local character and history; and is visually attractive as a result of good architecture and appropriate landscaping.
- 8.3 The proposed development would be located to the north of the proposed Gedling Access Road a major piece of infrastructure to support the growth in the Borough. The north of the proposal is currently Gedling Country Park that rises in level steeply to the north.
- 8.4 Matters relating to Appearance, Landscaping, Layout, and Scale, are being reserved for subsequent approval. This application has been submitted with Access being considered in detail at this outline stage.
- 8.5 Whilst only indicative a layout has been submitted in support of this application that indicates that a development of 5 employment plots with the floor areas indicatively proposed can be accommodated on the site without appearing over intensive. The layout illustrates that front facing development can be achieved adjacent to the proposed Gedling Access Road. The submitted planning statement also indicates that the development would create building fronts with areas of soft landscaping including trees and hedgerows. The layout plan illustrates how the deliveries and back of house functions of the employment uses could be serviced from the centre of the site rather than the edges looking towards Gedling Country Park. It also indicates that established trees and hedgerows to the site boundaries could be retained.
- 8.6 Overall, given the sites employment allocation, it is considered that an imaginative design can be achieved that reflects the developments context to the existing Country Park and the Gedling Access Road. I am content that an appropriate design can be achieved at reserved matters stage, using the illustrative layout as a guide, which would closely relate to existing features on the site and the surrounding area. I am therefore satisfied that the application accords with the broad aims of the NPPF, Policy 10 of the ACS, and LPD35.

9.0 Water Resources, Flood Risk and Drainage

- 9.1 Policy LPD4 – Surface Water Management requires all development proposals to include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems

in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.

- 9.2 I note the application site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding.
- 9.3 I note the comments from the EA with regards to the control of contaminated waters and should permission be forthcoming the suggested conditions would be attached to any approval.
- 9.4 I note the comments from the LLFA with regards to the submission of a Surface Water Drainage Scheme, however, as this is an outline planning application with matters relating to landscaping and layout being reserved for future consideration I am satisfied that an appropriate surface water drainage scheme can be sought via a condition which may be discharged once the layout and landscaping proposals have been progressed.
- 9.5 Subject to the precise details being approved at reserved matters stage I am satisfied that the development accords with LPD4.

10.0 Land Contamination and Health and Safety

- 10.1 The relevant planning policies which need to be considered in relation to land contamination and pollution are set out in Section 15 of the NPPF and LPD7, LPD10 and LPD11.
- 10.2 Section 15 of the NPPF as reinforced by local policy which requires development to contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from levels of soil, air, water or noise pollution.
- 10.3 I note that Gedling Borough Public Protection have no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to ensure that contamination is monitored and mitigated against. Subject to conditions it is my opinion, therefore, that the proposed development would accord with Section 15 of the NPPF and Policies LPD7 and LPD10.
- 10.4 I note the comments received from the operator of Alkane Energy, whom state they operate from the site on a long term lease, and the potential for a conflict of interest between the competing uses. However, should the development go ahead, whether the current operator would have to vacate the site would be a private legal matter between the land owner and the operator of Alkane Energy and would not be material planning consideration that would carry enough weight to warrant the refusal of this application.

11.0 Meeting the challenge of climate change

- 11.1 Part 14 of the NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated

infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

- 11.2 I note that, following correspondence with the Scientific Officer it was recommended that that scheme should incorporate provision for an EV (electrical vehicle) charging point. Should planning permission be forthcoming an informative would be attached to encourage any future developer to address the need of meeting climate change by providing sustainable transport options for employees in line with the requirements of Paragraph 93 of the NPPF. There is currently no LPD Policy that would support the requirement to provide EV charging points.

12.0 Ecology

- 12.1 The relevant planning policies that need to be considered in relation to ecological matters are set out in Section 15 of the NPPF, Policy 17 of the ACS and LPD18.
- 12.2 I also note the subtext of LPD 72 specific to this employment allocation which states at paragraph 10.5 *'A Local Wildlife Site is located on the employment land but the need for employment and the aim of supporting regeneration by providing jobs on the Gedling Colliery/Chase Farm site are, on balance, considered to outweigh any adverse impact on the Local Wildlife Site. This position is subject to mitigation and the scope to compensate any loss through translocation of habitat to the adjoining Gedling Country Park.'*
- 12.3 I note the comments from NCC ecology who object to the proposal due to the lack of information and suitable mitigation and compensation. I also note that the whole of the application site was considered during the process of preparing the LPD and it has already been considered that the loss of the LWS is outweighed by the need for employment. I also note the comments received with regards to inappropriate lighting impacting on wildlife.
- 12.4 Policy LPD18 (Protecting and Enhancing Biodiversity) sets out that development proposals affecting designated sites and priority habitats and species should only be permitted if there is no significant harm to the biodiversity of the site. Any harm should be avoided, and where this is not possible the impacts should be mitigated. The policy goes on to state that lastly, residual impacts should be compensated. As the application is outline with all matters relating to layout and landscaping reserved for later approval I consider that matters raised by NCC ecology can be addressed with the suitable studies and reports and a detailed landscaping scheme being sought by planning condition.
- 12.5 I note the comments with regard to the 'Open Mosaic Habitat' (OMH) that is present on the site and the potential for this to be lost as a result of the development. I also note that LPD72 states that any loss should be compensated through the translocation of habitat to the adjoining Gedling Country Park. The translocation of OMH to Gedling Country Park is supported by Parks and Street Care. It is my opinion that should the results of the updated ecology/biodiversity reports and approved landscaping plans (sought through reserved matters) give rise to the requirement to compensate and

translocate OMH this can be secured by way of s106 obligation between Gedling Borough Council (Landowner of the Country Park) and the Developer.

13.0 The Impact on Neighbouring Amenities

- 13.1 Given the substantial distances to the nearest neighbouring properties, the location of the Gedling Access Road inbetween the development and the Chase Farm housing development I consider there to be no undue impact on residential amenity arising from this development.
- 13.2 The nearest buildings that could be affected are those on the new housing development at Chase Farm. In my view the impacts of the construction activities could be managed through a Construction Environmental Management Plan (CEMP) which would ensure that working hours, traffic management, control of pollution, waste management, noise, dust and vibration are all managed and controlled to acceptable standards. The CEMP and the requirements it needs to cover would be secured through condition.

14.0 Planning Obligations

14.1 Travel and Transport Contributions

A contribution through s106 would be sought towards Public Transport (£100,000) to provide a service to serve the development for at least 2 years.

A contribution towards bus stop improvements of £26,000 would be sought.

14.2 Economic

I note the comments from the economic development officer, the size of the site and the numbers of dwellings to be built meet the Council's thresholds to implement the Construction Industry Training Board (CITB) to create work and opportunities during the term of the build. Should planning permission be forthcoming CITB would form part of the s106.

14.3 Open Space and Ecology Mitigation

Given that the development would result in an access roads, car parking, loading areas and incidental landscaped open space (to compensate the loss of habitat), should planning permission be forthcoming details of a Management Company responsible for the upkeep of the non-adopted areas and the open space would be sought via Section 106 Agreement to retain acceptable surfacing and biodiversity mitigation associated with the development.

An obligation between Gedling Borough Council and the Landowner would be sought to address the translocation of any identified Open Mosaic Habitat to Gedling Country Park.

14.4 Community Infrastructure Levy (CIL)

The application is CIL liable. The CIL would only apply to the elements that are identified for A3 and A4 uses. A borough-wide charge of £64.69sqm currently applies to retail floorspace of over 100sqm. A zero charge applies for employment uses at this time. The actual amount of CIL payable would be

calculated when a decision is made on the subsequent reserved matters application.

15.0 Other Material Considerations

- 15.1 I note the comments with regards to the steep bank proposed on the north boundary of the site and the potential for its stabilising using native plants. I concur with this view and any detailed landscaping and ecology mitigation would be sought as part of any reserved matters application could address this issue.
- 15.2 I note that the development is reliant on the completion of the Gedling Access Road and therefore consider that extending the time limit in which to the applicant can submit the reserved matters to five years rather than three years from the date of the permission would be reasonable in this instance.

16.0 Conclusion

- 16.1 The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), and the Local Plan Part 2 where appropriate.
- 16.2 In my opinion, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is my opinion that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.
- 16.3 Planning obligations are being sought in accordance with the requirements of the NPPF.

- 17.0 Recommendation: That the Borough Council GRANTS OUTLINE PLANNING PERMISSION with matters relating to Appearance, Landscaping, Scale, and Layout reserved for subsequent approval; subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as local highway authority for the provision of, or financial contributions towards a Management Company, Integrated Transport Facilities, Translocation of Habitat and a Local Employment Agreement (in accordance with Section 14.0 of the report), and subject to the following conditions:**

Conditions

- 1 Approval of the details of Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than five years from the date of the outline permission and the development to

which this permission relates must be begun within two years from the date of final approval of reserved matters.

- 3 The submission of all reserved matters and the implementation of the development shall be carried out in accordance with the plans and documents received on the 22nd December 2017: -; Extended Phase 1 Habitat Survey; Bat Survey Report; Breeding Bird Surveys; Design and Access Statement (P17-1794_200); Drainage Strategy (P15-157 - 202A); Planning Statement (Dec 2017 - SLR/ST - P17-1794); Overall Proposed Site Plan (14005-102); Overall Proposed Site Plan (14005-103); Existing Location Plan (14005-100); Existing Location Plan (14005-101); Framework Travel Plan (ADC1616-B); Indicative Zoning Plan (14005-105); and Indicative Design Site Section (14005-104) and Amended Application Forms received on 11th June 2019.
- 4 No part of the development hereby permitted shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.
- 5 No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking areas shall then be maintained in such hard bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the Gedling Access Road is built and open to traffic in its entirety.
- 7 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8 Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development.
- 9 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree / hedge

protection plan to graphically show the locations of any tree / hedge and root protection barriers. A tree protection plan should be overlaid to graphically show root protection areas in accordance with BS 5837:2012; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement (AMS). The AMS provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees / hedges. The approved measures of protection shall be implemented in accordance with the approved details for the duration of the construction period.

- 10 Before development is commenced, there shall be submitted to and approved in writing by the Local Planning Authority a Desktop Study for Existing Ecological Information, to include: (1) Consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC); (2) An Extended phase 1 Habitat Survey; (3) Details of avoidance, mitigation and compensation measures, and opportunities for enhancements (4) Further surveys and/or assessment in relation to badger, common toad, grass snake and butterflies, and (5) Further information in relation to the loss of Open Mosaic Habitat, including mitigation and/or compensation measures and quantification of losses/gains using an ecological accounting approach. The development shall be implemented strictly in accordance with the approved details.
- 11 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted (in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape), which shall consist of native species, ideally of local provenance, where possible; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties (d) details of the mitigation and compensation for the loss of Open Mosaic Habitat (e) details of the mitigation and landscaping proposals in relation to dingy skipper (butterflies) and (f) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 12 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 13 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details.
- 14 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the

external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development.

- 15 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 16 In the event that remediation identified in the Remediation Scheme is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 17 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. Prior to the first occupation of the development 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.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 For the avoidance of doubt.

- 4 To promote sustainable travel.
- 5 In the interest of Highway safety.
- 6 There is no alternative access from the highway.
- 7 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 8 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 9 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy LPD18 (July 2018).
- 10 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014) and Policy LPD18.
- 11 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 12 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 13 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 14 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 15 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7 and LPD10.
- 16 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7 and LPD10.
- 17 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Local Planning Document 2017, where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted.

Notes to Applicant

The detailed surface water drainage scheme to be submitted shall: - require all flows to be attenuated to Qbar for the entire site;- include provision for the entire site to be drained to the surface water drainage system with appropriate run-off coefficients or other factors used to represent the differing run off characteristics of the various parts of the site;- include an exceedance check using microdrainage software to simulate the drainage system for the 100year + 30% climate change event for a range of durations from 15 minutes to 24 hours to assess where the drainage system may flood. If this occurs, provision must be made for the accumulated volumes and flows to be directed to the surface water attenuation areas; - demonstrate that the surface water drainage system is designed in accordance with CIRIA C635 and C753, and the National SUDS Standards;- demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year plus climate change return periods;- confirm how on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

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.

Your attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how to decrease levels by incorporating mitigation measures into scheme design as standard. (see: <http://gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>). It is therefore requested commitment to incorporate provision for an EV (electrical vehicle) charging point per dwelling; to allow future residents to charge electrical/hybrid vehicles into the future. Reference can be made to guidance produced by IET 'Code of Practice for EV Charging Equipment Installation' for details of charging points and plugs specifications.

No removal of hedgerows, trees or shrubs shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-

commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council.

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.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The 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 PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.