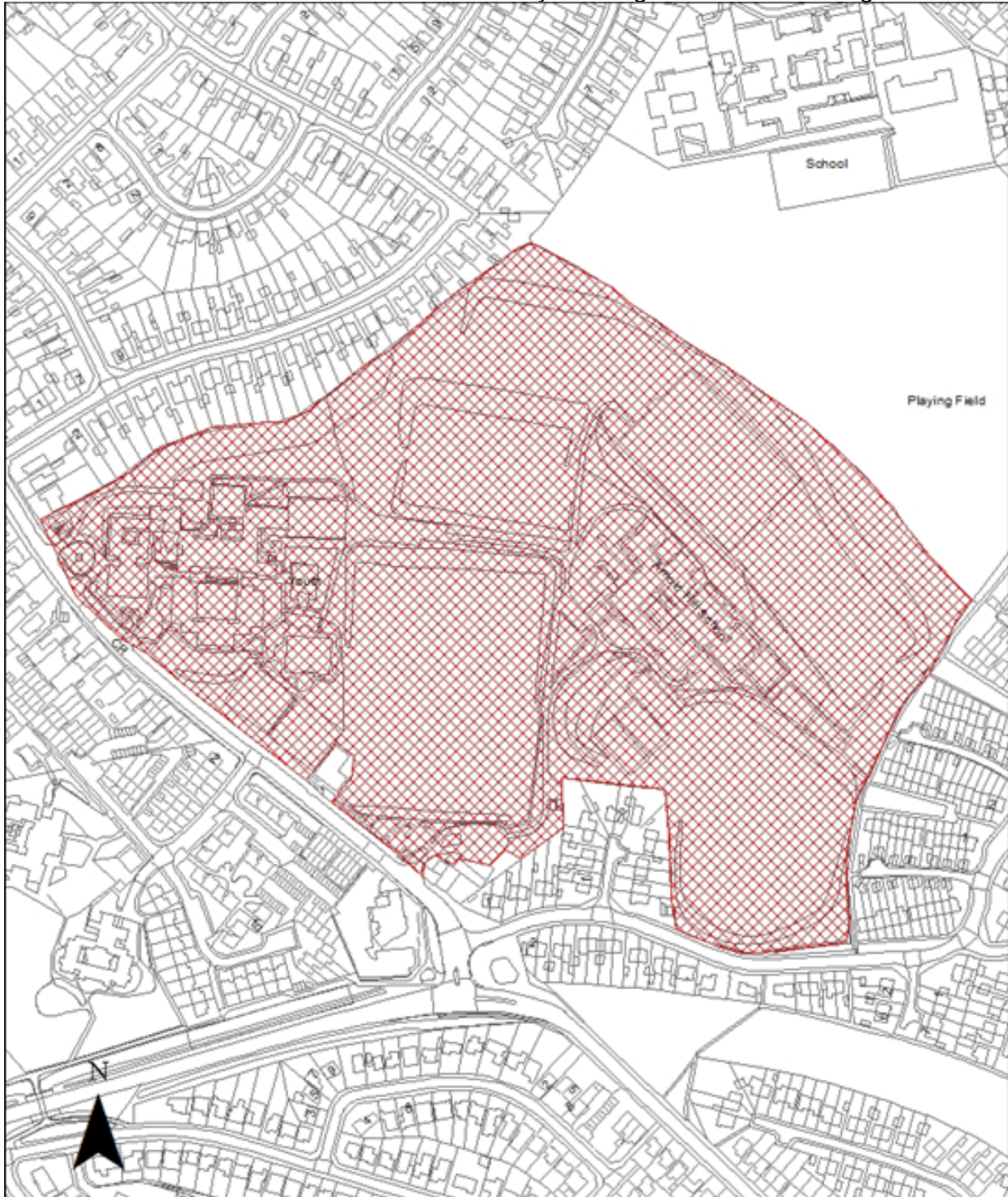


**Application Number:** 2014/1356

**Location:** Arnold Hill Academy Gedling Road Arnold Nottingham



**NOTE:**

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## **Report to Planning Committee**

**Application Number:** 2014/1356

**Location:** Arnold Hill Academy Gedling Road Arnold Nottingham

**Proposal:** Demolition of existing school buildings and erection of a new school building with associated access, plant, parking, landscaping and sports pitch provision.

**Applicant:**

**Agent:** Diane Bowers

**Case Officer:** David Gray

### **Site Description**

The application site relates to Arnold Hill Academy an existing school campus with an approximate site area of 14.36ha. The campus is located to the southern end of Gedling Road. The site is bounded to the northwest by the rear boundaries of residential properties on Clarborough Drive and the South by the rear gardens of residential properties on Flowers Close and Ramsey Drive. Ramsey Drive leads onto Bradman Gardens and Cowdrey Gardens located on the west boundary of the site. The southwest boundary of the site adjoins Gedling Road with the opposite side of the Road being occupied by residential properties facing the application site. The northeast boundary of the site adjoins the playing fields and open space associated with Christ the King School.

The built form on site comprises of the secondary upper school complex and sixth form block located to the west corner of the site. The existing lower school building is located to the east of the upper school. Much of the rest of the site gives way to playing fields, hard play areas, and games courts with access and car parking intermittently.

The application site excludes a central area of land used as sports pitches ('Play Football').

Topographically the site slopes substantially down from the North, Northwest, and Northeast with an overall drop in level of approximately 22 – 27 metres.

Vehicle access to the site is from the west and south corner of the site with a small entrance sited centrally accessing car parking to the upper school all off Gedling Road.

### **Proposed Development**

Full planning permission is sought for the demolition of the existing upper school buildings and the erection of a new school building with associated access, plant, landscaping, and sports pitch provision. The development incorporates the retention of the lower school, stadium and sixth form centre.

The school is 11 – 18 year secondary school with sixth form provision. Pupil numbers are 1730 with full time staff numbers 196. This is not scheduled to increase as a result of the development.

The new upper school complex would consist of one proposed building to replace the upper school complex and would be sited north of the existing rugby pitch centrally on the application site on an area currently occupied by sports pitches and a running track. The upper school would occupy an area currently comprises of sports pitches and a running track.

The new building would be a 'super block' and would provide c.8,216sqm of new floorspace for D1 use (gross internal area) over 3 floors. The approximate maximum height of the building would be 11.2 metres with footprint dimensions of 57 metres x 62 metres. The building would accommodate all the upper school facilities including the sports hall. The entrance would be located at the south western corner of the building facing the retained lower school buildings.

The development would incorporate a new plant room and condenser on the south elevation of the sixth form building with footprint dimensions of 3m x 2m. The brickwork used would match the existing building.

The Design and Access Statement list a schedule of materials to detail how the development relates to its context. The predominant external material is brick, with dark brick at ground floor level and buff brick at upper levels. Entrances to the building will be highlighted in zinc cladding and glazed brickwork panels.

External lighting is proposed on circulation routes, main entrances, the building facade and car park areas.

The redevelopment of the site would result in a net increase of 29 car parking spaces creating a total of 199 car parking spaces and would increase cycle parking spaces by 23 to provide a total of 96 secure cycle parking spaces.

The existing vehicle access from Gedling Road to the south of the site is to be retained and widened to allow vehicles to pass in opposite directions with greater visibility. An improved pick up and drop off facility will also be provided on site via this access.

The existing vehicle access point to the upper school off Gedling Road would also be retained and upgraded with an in/out lane for car park access and footways for pedestrians accessing the site from the west.

The central access is to be retained for service access for ground maintenance.

The Design and Access statement outlines that there will be an overall increase in the amount of green space and playing fields across the site due to the reduced footprint of the new building when compared to the existing.

The existing upper school buildings will be demolished once the new building is open and operational. Following demolition, the site of the existing school buildings will be developed as a new rugby pitch. The proposals also incorporate the re-grading of the existing playing field to the north east corner of the site to provide a full size football pitch.

The majority of existing pitches will not be affected by the proposal.

In addition to the master plan, layout, elevations, floor plans, external views, internal views, landscape general arrangement plan, site sections, fencing arrangement, sports pitch analysis, tree retention and removal, and landscape planting plan, the application is also supported by the following documents: -

- Design and Access Statement;
- Ecological Assessment;
- Arboricultural Assessment and Method Statement;
- Transport Statement;
- Travel Plan;
- Flood Risk Assessment (Including drainage details);
- Geo environmental desk study;
- Planning Statement;
- Noise Assessment.

Following comments from the Environment Agency a Flood Risk Addendum has been submitted by the applicant.

### **Consultations**

#### Nottinghamshire County Council (Highway Authority) -

The Highway Authority considers that the proposed vehicle access arrangements are satisfactory, and that proposal will not have a detrimental impact on the highway, or on highway safety. In view of this, the Highway Authority has no objections in principle to the proposal.

Notwithstanding the above, from visiting the site and comparing what is in place to the submitted plans, there seems to be an existing vehicle access opposite 278 Gedling Road which is not shown on the plans. As it would seem that this access would become redundant as a result of the development, the Highway Authority recommends that clarification is sought as to whether the vehicle access in question is proposed to be reinstated.

With regards to any controls which are proposed to be put in place to control access and egress, if there are to be any, then the Highway Authority recommends that these are shown in more detail on submitted plans.

#### Nottinghamshire County Council (Planning Policy) – No strategic planning

observations to make.

Nottinghamshire County Council (Education) – No comments received.

Nottinghamshire County Council (Forestry Manager) – The supplied surveys are adequate for purpose and the proposals outline for trees and tree retention are agreed with.

It is requested that a specific condition is used with regard to the removal of existing surfaces so that this is carried out in strict accordance with the supplied documentation.

Further detail is required with regard to the installation of bin stores in the vicinity of trees as indicated on drawing ALA231SK15. This should take the form of no dig technology safeguarding tree roots.

Environment Agency –

Following the submission of the Flood Risk Assessment Addendum; the EA do not feel that this information fully satisfies the concerns highlighted within the previous response. Therefore in the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on the reasons below as per our previous response.

*Reason:*

The FRA submitted with the application does not comply with the requirements set out in the National Planning Policy Framework (NPPF) and paragraphs 030 – 032 of the Planning Practise Guidance (PPG). The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development, which are to restrict the surface water discharge to an appropriately reduced rate.

*Overcoming the EA objection:*

By submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain the EA objection to the application. Production of an FRA will not in itself result in the removal of an objection.

- The development site is located in an area that drains to the Day Brook. In line with the Day Brook and River Leen Strategic Flood Risk Assessment (SFRA), all new development within this catchment should be limited to the equivalent greenfield runoff rates (or 5 l/s/ha). The SFRA provides this requirement to reduce the impact of historic urban development that has resulted in rapid runoff into Day Brook and any compromise on the requirement to limit discharge rates will result in a continuation of flooding issues from the Day Brook.

□

Severn Trent – No comments received.

### Wildlife Trust –

The Wildlife Trust is satisfied with the methodology, results and recommendations of the Ecological Survey and Tree Survey undertaken.

The applicant should be made aware of their legal obligations regarding bats that might be found during the works to the building.

The applicant should be advised to undertake any demolition outside of bird breeding season unless a suitably qualified ecologist is onsite.

Within the landscape plans, the Wildlife Trust welcomes the native hedgerow and the external lighting plan. The applicant should be encouraged to only use lights of low intensity, directed away from linear habitats which may be suitable for foraging bats.

The NPPF encourages developments to contribute to the enhancement of the natural world. Appendix G of the ecological report lists the possible enhancements which would be suitable for the proposed development. Suggestions that the Wildlife Trust would encourage are:

- Creation of informal areas of species rich grassland;
- Installation of a bird feeding station;
- Erection of bird/bat boxes and bat roosting opportunities;
- Introduction of bug boxes.

Police (Architectural Liaison) – No comments received.

### Natural England –

Based on the information provided, Natural England advises that the proposal is unlikely to affect any Statutory Nature Conservation Sites.

The local authority should apply Natural England's Standing Advice on protected species in relation to this application.

The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with paragraph 118 of the National Planning Policy Framework.

### Sports England –

The site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure)(England) Order 2010. The consultation is therefore statutory and Sport England has considered the application in light of the National Planning Policy Framework (in particular para. 74) and its policy to protect playing fields.

Sport England support the development subject to conditions which secure the quality of the replacement playing field provision.

OFSTED – No comments received.

Public Protection –

No objections to the proposal subject to the submission of appropriate details via condition to deal with: Contaminated Land and Air Quality (Dust Management Plan).

Parks and Street Care – No comments received.

Neighbouring Properties were notified and a Site Notice posted and 3 letters of representation were received as a result. The comments can be outlined as follows: -

- No objections to the proposal however, concerns are raised around the heavy vehicles that the works would bring to the area.
- Concerns are raised with the times when works will commence in the mornings and where porta-cabins will be located.
- The proposed bin store would be sited adjacent to the rear boundaries of residential properties. This would give rise to unacceptable: noise, odour and vermin. The bin store appears to be remote from the school buildings.
- Clarification is sought on the new access road serving the tennis courts near the lower school.
- Concerns are raised about the location of an electricity sub-station adjacent to the rear gardens of properties on Flowers Close.

### **Assessment of Application and Planning Considerations**

The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and additional information provided in the National Practice Guidance (NPPG).

Gedling Borough Council adopted the Gedling Borough Council Aligned Core Strategy (GBACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan (GBRLP) referred to in Appendix E of the GBACS. The GBACS is subject to a legal challenge under section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts. The challenge to the GBACS is a material consideration and must be taken into account. The decision maker should decide what weight is to be given to the GBACS. Given that the policies of the GRLP reflect the guidance of the NPPF considerable weight has been given to these in this instance.

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

- 1. Building a strong, competitive economy (paragraphs 18 – 22)
- 7. Requiring good design (paragraphs 56 – 68)
- 11. Conserving and enhancing the natural environment (paragraphs 126 –

141)

The following policies of the Gedling Borough Council Aligned Core Strategy (September 2014) are also relevant: -

- Policy 1: Climate Change;
- Policy 10: Design and Enhancing Local Identity;
- Policy 16: Green Infrastructure, Parks and Open Space;
- Policy 17: Biodiversity;

The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) are also relevant: -

- Policy R1: Protection of Open Space;
- Policy C1: Community Services General Principles;
- Policy ENV1: General Development Criteria;

The main planning considerations in the determination of this application relate to: -

- The Principle of the Proposed Development and Community Facilities;
- Protected Open Space;
- Impact on Character and Appearance of the Area;
- Local Residents (Amenity);
- Highway Safety;
- Flood Risk and SUDs;
- Air Quality and Contamination;
- Ecology and Arboricultural Considerations;
- Other Considerations.

### **Principle of Development and Community Facilities**

At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 17 stating 'planning should proactively drive and support sustainable development to deliver the homes, business and industrial units, infrastructure and thriving local places that people need.'

The application site incorporates upper and lower school complexes which both stand on a prominent site surrounded by protected open space and sports pitches. I note that structural surveys have taken place which identified structural defects and a number of failure points in the upper school. As a result of the structural failures temporary classrooms have been provided and structural props installed.

I am mindful that the demolition of the upper school is required given its structural deficits, I am therefore of the opinion that the redevelopment of the site has the potential to greatly improve the design and presence of the school within the local community and this proposal represents a key opportunity. The upper school buildings are evidentially in poor condition and the proposal is to replace existing school buildings with a replacement building.

The existing upper school buildings are clearly in disrepair and there are advantages associated with a new build scheme rather than the repair of the old buildings. In my



opinion it is considered that the principle of the proposal is accepted and supported; however, its acceptability rests in parts on the detailed consideration in particular to the impact on protected open space and sports pitches, design, the amenity of neighbouring residents, highway safety, flood risk and air quality and contamination.

The development proposed is a replacement school to provide improved educational facilities on the site. The development therefore offers significant merit in terms of its educational and community benefits. The site is located within an existing established community with public transport links and therefore satisfies Policy C1(b) which states that, planning permission will be granted for proposals to improve community services and facilities provided that their location is easily accessible to local residents.

### **Protected Open Space**

Policy R1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) states that school playing fields are classified as Protected Open Space and are subsequently protected under this policy.

Policy R1 states that planning permission will not be granted for development on land that is used as open space. However, exceptions to this policy will be allowed where the development would enhance or improve the recreational or sporting potential or quality of the site.

Play Football own 8 x 5-aside pitches and changing facilities to the North-East of the existing upper school building. The school has a good range of external play and sports provisions which include:

- 2 Football Pitches and 2 Rugby Pitches;
- An All-Weather Pitch and access to Play Football synthetic turf 5-aside pitches;
- 4 Tennis and 2 Netball courts.

The proposed replacement school would be sited centrally to the north of the existing rugby pitch on an area currently occupied by sports pitches and a running track.

The Design and Access Statement illustrates that as a result of the development sports pitch provision would be increased. Hard and Soft sports provision would be provided or retained which would include:

- 3 Football Pitches and 2 Rugby Pitches;
- An All-Weather Pitch and access to Play Football Synthetic Turf 5-aside pitches;
- 4 Tennis Courts and 2 Netball Courts retained.

Given that there would be a net increase in open space and sport pitch provision I am satisfied that the development would enhance and improve the existing facilities in line with the requirements of Policy R1.

I note the comments from Sports England who have raised no objections to the revised sports provision subject to conditions which secure the quality of the replacement playing field provision. Through negotiation with Sports England the

conditions have been drafted to allow for the temporary use of one of the existing rugby pitches for storage and construction traffic during construction. A number of conditions are proposed to secure the provision of adequate sports pitches for the site when development is complete.

### **Impact on Character and Appearance of the Area (Landscape and Design)**

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 ACS requires all new development to be designed to a high standard and sets out in detail how this should be assessed. All new development should make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment.

Section 7 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 are visually attractive as a result of good architecture and appropriate landscaping.

The redevelopment of the school, in the manner proposed on the site layout plans accompanying the application, would mean that the bulk of the built form would be relocated to a more central location on the site. The rising topography of the land to the north would result in the new 3-storey block being seen in context with the existing topography on site. It is my opinion that on completion of the demolition of the existing school building, the site would have a larger area of green space and the built form would be better contained within the existing setting. I therefore consider that the development would enhance the visual amenity of the site when viewed from Gedling Road.

I consider that the development, with the materials proposed, represents a high standard of design that has taken into account the local surroundings. It is my opinion that the choice of materials helps to break up the large rectangular block and would create elevations of interest. I also consider that the height and massing of the proposal would not have an overbearing appearance on the surrounding area. The carefully considered materials would also sit well within the context of the school complex when viewed against the open green space, the rising topography of the land, the existing lower school and the sports pitch provision.

It is my opinion the proposed design and layout of the replacement upper school block does satisfy the guidelines set out in Policy 10 of the ACS and the guidelines contained within the NPPF. It is my view that that the new development would sit well within its context and the proposal has taken this opportunity to improve the character and quality of the area and the way it functions.

### **Local Residents (Amenity)**

The proposed development of the upper school would lead to the reconfiguration of

buildings on the site, including the relocation of the bin store, electricity substation and other ancillary structures. Currently the upper school is located on the corner of Gedling Road with Clarborough Drive. Currently the built form of the school is close to the rear boundaries of properties on Clarborough Drive. The proposed plans show that when the existing upper school is demolished the area occupied by these buildings would be returned to sports pitches and the school buildings would be sited centrally on the site away from neighbouring boundaries.

Given the location of the proposed new upper school and the distances to neighbouring boundaries, it is my opinion, that there would be no undue impact on the amenity of neighbouring residents and the new location would be an improvement to the existing built form currently on site.

I note the comments from the neighbouring resident with regards to the location of the proposed bin store adjacent to the rear boundaries with properties on Flowers Close. During the processing of the application the proposed location of the bin store has been moved 5.6 metres from the corner of the rear garden areas. The details show that the bin store would be constructed of solid wood panels and would have a lockable gate. I also note that the location would be adjacent to mature trees which offer limited screening. It is my opinion that the revised location accounts for the proximity of the neighbouring property and would be sufficient distance to prevent any undue impact on the amenity of residential properties in this area. I also note that public protection has raised no concerns to the development and as such I am satisfied that the bin store location is satisfactory.

I also note the comments from neighbouring residents with regards to the location of the electricity sub-station. However; the submitted master plan shows the sub-station to be contained within the site a substantial distance from neighbouring dwellings. I am satisfied that the location of the sub-station is sufficient to protect the amenity of neighbouring residents.

I note the representation received with regards to the access track to the tennis courts at the lower school. Onsite inspection concluded that this is an existing access and follows an unmade track to an area of hardstanding to the south of the tennis courts. I consider that works to improve the surfacing of the track would not give rise to more traffic or disturbance and would not increase undue impact on the amenity of nearby neighbours.

Given that there would be no undue impact on the residential amenity of surrounding properties the proposed development would accord with Policy C1 (a) that planning permission will be granted for proposals to improve community services and facilities provided that they are not detrimental to the amenity of adjoining and nearby property and Policy ENV1 (b) which relates to protecting the amenity of adjoining development.

### **Highway Safety**

The relevant planning policies which need to be considered in relation to highway safety are set out in Policies ENV1 and T10 of the RLP and Section 4 of the NPPF.

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

I note the comments from the Highway Authority with regard to the access that was not shown on the original plan. During the processing of the application a revised plan was received showing the redundant access. This access would be gated and locked and would only offer access and egress for ground maintenance vehicles. I am satisfied that the grounds maintenance access would not result in an undue impact on highway safety in this instance.

I note that the Highway Authority do not object to the proposal in principle, the numbers of staff and pupil numbers are not to increase, and the same access and egress points are to be utilised and improved. As such I am satisfied that the proposed development would not result in any undue impact on Highway Safety in this instance.

I note the comments from the Highway Authority with regards to the signage that could be incorporated to direct service users to the correct access and egress points. Should planning permission be forthcoming a condition would be attached to any approval requiring precise details of any highway signage to direct service users of the road configuration to be submitted to and approved by the Borough Council.

### **Flood Risk**

The site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding. I would therefore accept that the proposal is in an area of low probability of flooding and accords with the sequential test for locating development in low risk flood zones, as set out in Policy 1 of the ACS and Section 10 of the NPPF.

Paragraph 100 of the NPPF states Local Plans should take into account climate change and use opportunities offered by new development to reduce the causes and impacts of flooding.

Paragraph 103 states inter-alia: 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere':

The EA objects to the proposed development on the grounds that, in its view, the FRA does not comply with the requirements set out in the NPPF and paragraphs 030 – 032 of the PPG. The submitted FRA does not, in the Environment Agency's opinion, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Paragraph 030 of the PPG states the objectives of a site specific FRA are to establish:

- Whether a proposed development is likely to be affected by current or future flooding from any source;
- Whether it will increase flood risk elsewhere;
- Whether the measures proposed to deal with these effects and risks are appropriate;
- The evidence for the local planning authority to apply (if necessary) the Sequential Test; and;
- Whether the development will be safe and pass the Exception Test.

Paragraph 031 of the PPG states:

‘A Flood risk assessment should also be appropriate to the scale, nature and location of the development.’

I note that the proposed development would not increase pupil or staff numbers and that the built form on site would be reduced. In terms of the run-off volume from the proposed development the drained area of the site would be reduced from approximately 8600sqm to 5800sqm. I also note that the proposed scheme would result in 20% betterment in the discharge rate. Whilst I note that the EA objects to the proposal given that the Strategic Flood Risk Assessment for the catchment area requires a greenfield discharge rate of 5l/s/ha, I also note that the NPPF and NPPG identifies that consideration should be given to the potential improvements. I am mindful that the proposed development would not give rise to an increase in flood risk and the proposal would result in an improvement to the existing situation reducing flood risk in the catchment area.

I consider that the proposed development would accord with paragraph 100 and 103 of the NPPF by using the opportunity offered by the new development to reduce the causes and impacts of flooding. I am also satisfied given that the development would not increase numbers or built form on site the FRA submitted is proportionate to the scale of development.

### **Air Quality and Contamination**

The relevant planning policies which need to be considered in relation to pollution are set out in Policies ENV3 of the RLP and Section 11 of the NPPF.

Policy ENV3 of the RLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built, on or adjoining the site. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.

Section 11 of the NPPF states at paragraph 109; that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.

Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.

I note that Public Protection has no objection to the submitted Phase 1 Desktop Report. The report does not mention whether any survey for asbestos in the building(s) has been carried out. Section 5.2 (p11) outlines further assessment works which are considered necessary. As such the recommended planning conditions would be attached to any approval regarding the contamination of the site.

I note the comments with regards to Air Quality and the requirement of a Dust Management Plan before the demolition of the existing school. Should planning permission be forthcoming the suggested condition would be attached to any approval.

As such I am satisfied that the proposed development would not have an adverse impact on Air Quality or ground contamination.

I also consider it would be appropriate to ask the applicant to give consideration to the provision of dedicated external electric power points by means of an informative attached to any decision notice.

It is considered, therefore, that the proposed development would accord with Policies ENV3 of the RLP and Section 11 of the NPPF.

### **Ecology and Arboricultural Considerations**

I note the comments from the Arboricultural Officer and as such I am satisfied that the proposed development would have no undue impact on the trees on the site, and that the mitigation measures proposed are adequate. Should planning permission be forthcoming I would attach a condition requiring the development to take place in accordance with the conclusions of the Arboricultural Impact Assessment.

I note that the development involves a bin store located within a root protection zone. I also note that during the processing of the application, following advice from the Arboricultural Officer, confirmation was received that 'no dig' technology would be used and that the methods outlined in the Arboricultural Impact Assessment and Method Statement would be followed. Should planning permission be forthcoming I would suggest attaching a condition to any approval requiring the trees to be protected in accordance with the method statement.

I note the Wildlife Trust is satisfied with the methodology of the ecology survey and Arboricultural assessment carried out. In light of this I am satisfied that the development would not impact on wildlife in the area. Should planning permission be forthcoming advisory notes would be added requiring development to be undertaken outside of bird breeding season and advising of the protected classification of bats. An informative would also be attached in relation to possible enhancements which would be suitable for the proposed development.

## **Other Considerations**

I note the comments with regards to the noise, activity, and the times of day the works would be taking place during the construction of the development. Whilst I note that there would be an increase in noise and activity during the construction phase of the development; this is not a permanent impact which I would attach significant enough weight to warrant a refusal of this application. Any undue noise and disturbance as a result of the development would be dealt with under Environmental Health legislation. I note that appropriate conditions would be attached to any approval to deal with the dust management of the development during demolition.

## **Secretary of State Referral**

Whilst there is an unresolved objection from the Environment Agency to this application, this is solely on the grounds of the inadequacy of the Flood Risk Assessment and the discharge rates are insufficient. However, as the site is located within Flood Zone 1 and would result in a betterment in the catchment area, I am satisfied that the Secretary of State for Communities and Local Government does not need to be consulted under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

## **Conclusion**

The development has been considered in accordance with the National Planning Policy Framework, the Planning Practise Guidance, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate.

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.

## **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 constructed in accordance with the following approved plans: Revised Illustrative Master Plan (ALA231L00) received on 19th February 2015; Revised General Layout Plan (ALA 231 L02) received on 20th February 2015; Ground Floor Plan (1330-PL-01), First Floor

Plan (1330-PL-02), Second Floor Plan (1330-PL-03), Roof Plan (1330-PL-04), Elevations (1 of 2) (1330-PL-05), Elevations (2 of 2) (1330-PL-06), Sections (1 of 2) (1330-PL-07), Sections (2 of 2) (1330-PL-08), External Views (1 of 2) 1330-PL-09, External Views (2 of 2) (1330-PL-10), Internal Views (1330-PL-11), Sixth Form Centre - Existing Plans Elevations (1330-PL-12), Sixth Form Centre - Proposed Plans Elevations (1330-PL-13), Site Sections (ALA231L03), BB103 Plans \_ Areas (ALA231L04), Fencing Arrangement (excluding the bin store location) (ALA231L05), Detailed Plan 1 of 3 (ALA231L07), Detailed Plan 2 of 3 (ALA231L08), Detailed Plan 3 of 3 (ALA231L09), Sports Pitch Analysis (ALA231 L12), Site Circulation (ALA231 L13), Tree Retention and Removal (ALA231L07), Planning Application Boundary (ALA231L15), Planting Plan (ALA231L16), External Lighting Philosophy Proposed Site Plan (EX-100-03), Preliminary Ecology Appraisal (July 2014), Transport Statement (Curtins Ref: TPLE1149/TS), Geothermal Desk Study (July 2014), Acoustic Feasibility Report by Matt MacDonald (September 2014), and The Travel Plan, all received on 6th December 2014.

3. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the materials to be used in the external elevations of the proposed development. Once approved the development shall be carried out in accordance with these details unless otherwise agreed in writing by the Borough Council.
4. 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 site to a 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.
5. In the event that remediation 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.
6. 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 set out in condition 4 and 5 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.

7. Unless otherwise agreed by the Local Planning Authority, development shall not commence until a Dust Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan should be produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). Once approved the demolition and construction shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Borough Council.
8. Before development is commenced, including vegetation clearance or ground works, the existing trees and hedgerows to be retained shall be protected in accordance with the details specified in the Arboricultural Survey Report (July 2014) by Matt MacDonald and the Arboricultural Impact Assessment and Method Statement by fcpr, dated December 2014. The means of protection shall be implemented in accordance with the approved details for the duration of the construction period, unless otherwise prior agreed in writing by the Borough Council.
9. The proposed bin store shown on General Arrangement Plan (ALA231L02) shall be installed using no dig technology as outlined in Appendix D of the Arboricultural Impact Assessment and Method Statement dated December 2014 unless otherwise agreed in writing by the Borough Council.
10. The removal of existing surfaces shall be carried out in accordance with section 4.6 of the Arboricultural Impact Assessment and Method Statement by fcpr, dated December 2014.
11. Prior to the commencement of development, an assessment of the quality of the existing grass playing fields identified as E2, E7 and E8 on drawing: Sports Pitch Analysis (ALA321 L12) received on 6th December 2014 shall be submitted to and approved in writing by the Borough Council.
12. Within 6 months of commencement of development, design details of: a) replacement playing field construction (which shall be to a standard at least equivalent to the baseline assessment provided in compliance with Condition 11); shall be submitted to and approved in writing by the LPA. Replacement playing field and new areas of hard play shall be provided in accordance with the approved details prior to the development first being brought into use or in accordance with a timetable that shall first be agreed in writing with the Borough Council. The sports pitches and any area of open space shall be retained in accordance with these details for the life of the development.

13. The proposed pitch identified as P1 on drawing: Sports Pitch Analysis (ALA231 L12) shall be provided within the first 9 months of the date of this permission. The replacement playing field construction shall be to a standard at least equivalent to the baseline assessment provided in compliance with Condition 10 and Condition 11. The replacement playing field shall be provided in accordance with the approved details, and retained thereafter for the life of the development, unless otherwise agreed in writing by the Borough Council.
14. The proposed bin store shall be erected in accordance with the proposed details received by email on 10th of February (2.0 metres high close boarded solid timber fencing with lockable gates) and the plan received on 23rd February 2015 (ALA231SK15).
15. The development hereby approved shall be carried out in accordance with the phases plans received on 20th February 2015 unless otherwise agreed in writing by the Borough Council prior to the commencement of a particular phase.
16. Before development is commenced there shall be submitted to and approved the precise details of the proposed external canopies and terraced seating shown the Landscape General Arrangement Plan (ALA231L02) received on 20th February 2015. Once approved the development shall be constructed in accordance with these approved details unless otherwise agreed in writing by the Borough Council.

## **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development, in accordance with the aims of Policy 10 of the Aligned Core Strategy and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. 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 Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. 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 Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. 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 Policies ENV1 and ENV3 of the Gedling Borough

Replacement Local Plan (Certain Policies Saved 2014).

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 minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
9. To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
10. To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
11. To provide an appropriate baseline assessment of playing pitch quality that would be impacted by the development.
12. To ensure the provision of a replacement playing field area is fit for purpose.
13. In order to minimise disruption and provide a replacement pitch as soon as possible.
14. For the avoidance of doubt.
15. To provide a degree of flexibility to assist the delivery of the site, that also enables the Borough Council to monitor and manage the phases of development.
16. To ensure a satisfactory development, in accordance with the aims of Policy 10 of the Gedling Aligned Core Strategy (September 2014) and policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### **Reasons for Decision**

The development has been considered in accordance with National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014), and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) where appropriate. In the opinion of the Borough Council, the proposal 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. The benefits of granting the proposal outweigh any adverse impact of departing from the

Development Plan.

### **Notes to Applicant**

Should any bat/s be found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats covering 'reckless' damage or disturbance to a bat roost.

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.

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

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

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

The Borough Council requests that the applicant considers incorporating

enhancement of the natural world. Consideration should be given to the findings of Appendix G of the ecological report listing possible enhancements which would be suitable for the proposed development.

The Borough Council requests that the applicant considers incorporating provision (with dedicated parking) for dedicated outside electric power points, to allow to charge electric/hybrid vehicles into the future (see IET Code of Practice for EV Charging Equipment Installation).