

14.0 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.

15.0 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.

16.0 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 (ALA231L9), 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 **Within 10 weeks from the date of this approval 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 Within 10 weeks of the date of this approval, 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 approved 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 the development of the external canopies and terraced seating area (shown on the Landscape General Arrangement Plan (ALA231L02) received on 20th February 2015) is commenced there shall be submitted to and approved by the Local Planning Authority scale plans and elevations of this element. 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. 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 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).

Date Recommended: 20th February 2015