

NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday 20 November 2013

Time: 2.30pm

Place: Ground Floor Committee Room at Loxley House, Station Street

Councillors are requested to attend the above meeting on the date and at the time and place stated to transact the following business.



Deputy Chief Executive/Corporate Director for Resources

Constitutional Services Officer: Martin Parker Direct dial - 8764303

A G E N D A

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTERESTS

3 MINUTES

Last meeting held on 23 October 2013 (for confirmation) 1 -12

4 PLANNING APPLICATIONS - REPORTS OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

(a) VICTORIA CENTRE COMPLEX VICTORIA CENTRE MILTON STREET

Alterations to Glasshouse Street entrance 13 - 20

(b) 280 NOTTINGHAM ROAD

New retail food store following demolition of existing buildings 21 - 34

(c) 601 WOODBOROUGH ROAD

New retail store and associated works 35 - 52

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES.

PLANS RELATING TO ITEMS ON THE AGENDA WILL BE AVAILABLE FOR INSPECTION BY COUNCILLORS BETWEEN 1.00 PM AND 1.30 PM IN THE COMMITTEE ROOM, GROUND FLOOR LOXLEY HOUSE

Agenda, reports and minutes for all public meetings can be viewed online at:-
<http://open.nottinghamcity.gov.uk/comm/default.asp>

PLANNING COMMITTEE

MINUTES of the meeting held at Loxley House on 23 OCTOBER 2013 from 2.30pm to 4.50pm

- ✓ Councillor Chris Gibson (Chair)
- ✓ Councillor Gul Khan (Vice-Chair)
- ✓ Councillor Liaqat Ali
- ✓ Councillor Cat Arnold (minutes 47 - 56)
- Councillor Graham Chapman
- ✓ Councillor Azad Choudhry (minutes 47-52)
- ✓ Councillor Alan Clark
- ✓ Councillor Emma Dewinton (minutes 47-56)
- ✓ Councillor Michael Edwards
- Councillor Ginny Klein
- Councillor Sally Longford
- ✓ Councillor Ian Malcolm (minutes 47 - 53)
- Councillor Eileen Morley
- ✓ Councillor Roger Steel (minutes 47 – 54, 56-57)
- ✓ Councillor Malcolm Wood

✓ indicates present at meeting

Colleagues, partners and others in attendance

Rob Percival)	Area Planning Managers)	
Nic Thomas))	
Laura Cleal	-	Development Control Support)	Development
		Traffic Management)	
Matt Gregory	-	Growth Point Planning & Planning)	
		Area Planning Manager)	
Judith Irwin	-	Senior Solicitor)	Resources
Martin Parker	-	Constitutional Services Officer)	

47 APOLOGIES FOR ABSENCE

- Councillor Graham Chapman) Other City Council Business
- Councillor Ginny Klein)
- Councillor Sally Longford) Annual Leave
- Councillor Eileen Morley)

48 DECLARATIONS OF INTERESTS

Councillors Chris Gibson, Ian Malcolm and Roger Steel advised the Committee that they had each been lobbied by the applicant and/or objectors by telephone and/or personal contact in relation to agenda item 4 (g) Planning Application-Clifton Hall,

Holgate (minute 53). The Councillors considered in those circumstances that they were not prevented from keeping an open mind when determining the application. In relation to the same agenda item, Councillor Ian Malcolm also advised the Committee that his position as churchwarden at St. Mary's Church which had previously given rise to his declaration of a disclosable interest in this item, had now ended.

Cllr Roger Steel declared an interest in agenda item 4(c) Planning Application-Grove Farm Sports Ground, Lenton Lane (minute 52) as a member of Dunkirk Football Club, whose team played on pitches adjacent to the site of the application but he did not in those circumstances consider that he was prevented from keeping an open mind when determining the application.

49 MINUTES

The Committee confirmed the minutes of the meeting held on 18 September 2013 as a correct record and they were signed by the Chair.

50 6 ILKESTON ROAD

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transport on the following applications submitted by Maber Architects on behalf of IMAP Properties Limited:

- (i) **Application 13/01898/PFUL3:** for planning permission to construct studio and cluster flat style student accommodation providing 99 bed spaces, a ground floor reception, social space and meeting room for the residents and a ground floor retail unit, following demolition of the existing building.
- (ii) **Application 13/01899/LCAC1:** for local conservation area consent to allow demolition of an existing building

He reported the following information and changes since publication of the agenda:

(a) Nottingham Civic Society

Nottingham Civic Society objects to the application on the following grounds:

- It does not comply with the City Centre Urban Design Guide.
- It does not enhance either conservation area.
- It is in the most prominent part of the western side of the city centre, taller than the adjacent Cigar factory building and visible right across the city from its eastern boundary on Porchester Road and from several other locations.
- It is overbearing within its context, paying no regard to the listed Canning Terrace or to nearby buildings both adjacent to this and on the other side of Derby Road.
- It will overbear adjacent housing.
- Strongly question the need for a "landmark building" at this location. The notion of "gateway buildings" is now dated, and there is no need for "gesture architecture" at this point.
- The disparate scale of historic factories elsewhere in the CA is noted but they do not impact on their surroundings to anything like the extent of the proposed development.

- As a vertical tower this new work will most certainly not, as is claimed, provide an enclosure to the Canning Circus square.
- it is impossible to claim that "the setting of the nearby listed buildings will not be adversely affected by the proposal."

In response it was commented that the site was at the edge of the 'North and Western Fringe' zone defined in the City Centre Urban Design Guide, where the primary concern was with the impact of development upon views of and from the Castle. Whilst the guide recommended that buildings in this area were generally limited to five storeys, it did not rule out the possibility of taller buildings provided they were designed as landmarks and had been properly assessed in terms of their impact. In this case the assessment had not identified any harmful impact on the Castle, and would provide a positive landmark as envisaged in the Design Guide.

Other issues raised by the Civic Society had been addressed in the report.

(b) Highways Comments

Highways are satisfied with the swept path analysis drawing relating to deliveries for the retail unit. They have no objections subject to conditions relating to construction management, cycle provision, a scheme for dropping off and collecting students and details to the works to the highway to facilitate the extended dropped kerb on Holden Street.

In response the removal of existing condition 9 contained in the draft decision was recommended. It was also reported that other conditions recommended by Highways were already on the draft decision notice with the exception of the dropped kerb matter. To accommodate this, the following additional condition was therefore recommended:

'No part of the development hereby permitted shall be brought into use until the proposed alterations to the public highway have been designed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority and thereafter constructed in accordance with those approved details.'

Reason: *In the interests of highway safety and in accordance with Policy BE2 of the Local Plan.'*

Members of the Committee held a lively discussion concerning the scale, height, design and materials of the proposed development in this Conservation Areas setting, whether or not the site was suited to student accommodation and its traffic implications. It was also recommended that if approved a condition was required to avoid inappropriate additions and clutter to building, particularly plant and telecommunication masts.

In the light of the concern expressed, Mr. Percival recommended that the following condition be imposed:

"No plan, equipment, aerials or dishes shall be installed on the building without the prior written approval of the local planning authority".

Reason: *in the interests of the appearance of the building, I in accordance with policies BE3 and BE12 of the Nottingham Local Plan,*

RESOLVED

- (1) to grant planning permission for application 13/01898/PFUL3, subject to:**
 - (a) prior completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1991, to include:**
 - (i) a financial contribution for off-site provision or improvement of open space or public realm; and**
 - (ii) a student management agreement including a restriction on car ownership;**
 - (b) the indicative conditions, substantially in the form of those listed in the draft decision notice and to the additional conditions referred to above;**
- (2) to delegate power to the Director of Planning and Transport to determine the final details of the Planning Obligation and conditions;**
- (3) to confirm that the Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the Planning Obligation sought is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development;**
- (4) to grant local conservation area consent to demolish an existing building in respect of application 13/01899/LCAC1.**

Councillor Malcolm Wood requested that his vote against the above resolutions was recorded.

51 SITES AT LORNA COURT, MARY COURT, THE CROFT AND MAYHOLME, ALEXANDRA PARK

Nic Thomas, Area Planning Manager, introduced a report of the Director for Planning and Transport on the following applications submitted by Halsall Lloyd Partnership on behalf of Leicester Housing Association:

Application 13/01946/PFUL3 (Site A): for planning permission to alter and convert the retained Mayholme building into two apartments and two dwellings; and

Application 13/01909/PFUL3 (Site B): for planning permission to create thirteen 2 or 3 bedrooled, predominantly semi-detached houses in a courtyard arrangement with vehicle turning facilities, on land formerly occupied by Lorna Court, Mary Court and The Croft buildings.

He reported the following information and changes since publication of the agenda:

(a) Photo-Voltaic Panels

That the applicant had agreed to the provision of photo voltaic (PV) panels on the south facing roof slopes of plots 4-10 (10 plots in total). The following additional condition was recommended to require details of the PV panels to be agreed:

'No part of the development shall be occupied until details of the proposed Photo Voltaic panels and their siting on the southern roof slope of plots 4-10 have been submitted to and agreed in writing with the Local Planning Authority.'

The development shall then be carried out in accordance with the approved scheme.

Reason: *In the interests of providing a sustainable development in accordance with Policies BE4 and NE14 of the Local Plan.'*

(b) Report Details

That 'May Court' should be replaced by 'Mary Court' throughout and at paragraph 7.11 the statement as to the frequency of buses serving the stop on Woodborough Road should be amended from every seven to every five minutes at peak times on Mondays to Saturdays.

Councillors commented that there should be further discussions with the applicant regarding possible measures to control vehicle speeds on highways within the vicinity of the proposed development.

RESOLVED

- (1) to grant planning permission, for applications 13/01946/PFUL3 and 13/01909/PFUL3 subject to:**
 - (a) prior completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1991, to include:**
 - (i) a financial contribution towards education provision;**
 - (ii) a financial contribution for off-site provision or improvement of open space or public realm;**
 - (iii) Cessation of the existing use of the Mayholme site (as 9 bedsitting rooms with associated common room, reception areas and ancillary office accommodation) on implementation of either planning application references 13/01909/PFUL3 or 13/01946/PFUL3;**
 - (b) the indicative conditions, substantially in the form of those listed in the draft decision notice, and the additional condition(s) noted above;**
- (2) to delegate power to the Director of Planning and Transport to determine the final details of the Planning Obligation and conditions;**

- (3) to confirm that the Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the Planning Obligation sought is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.**

52 GROVE FARM SPORTS GROUND, LENTON LANE

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transport on application 13/01313/PFUL3 submitted by CPMG Architects on behalf of The University of Nottingham for planning permission to erect two new sports pavilions/changing rooms following demolition of existing buildings and associated works, creation of a parking area and change of use of part of agricultural land to use as playing fields. The Committee had previously discussed the application at its meeting on 21 August 2013 (minute 33) and 18 September 2013 (minute 44).

He reported the following information and changes since publication of the agenda:

(a) Applicant's Additional Supporting Information

Provision of the following additional information by the University regarding the proposed development's impact on the capacity of the Grove Farm Sports Ground:

The dressing room facilities at Grove Farm housed within the two existing buildings currently cater for up to 38 teams. These areas are however extremely dilapidated and being partly housed within an old farmhouse and modified barn are poorly adapted to the task. Shower and toilet facilities are also inadequate. The proposed new development, whilst not increasing the provision in terms of numbers of dressing rooms, are providing more efficient use of space and include integral toilet and shower facilities within each dressing room. The maximum capacity of the site will still remain at 38 teams for 38 dressing rooms within two buildings, thus there will not be any expanded use of the facilities. The biggest issues at Grove Farm lie in the ability to consistently host games without cancellation due to wear & tear.

Grove Farm currently has bookings totalling around 1100 to 1200 per annum around 80% of which fall within the months of September to April inclusive. The current capacity of pitches is insufficient to cater for all the current commitments. This is particularly apparent in the scheduling of football and rugby. Because student sport has to take place on one of three days, excessive play on individual pitches occurs frequently with some pitches having to support two games in a day thus rendering them liable to premature wear and tear. The level of wear and tear combined with recent weather patterns has exacerbated this issue with the result that through October to March the sports facilities at Grove Farm have often been left unplayable. On average 70 games are lost through excessive wear and tear every season and in extreme seasons this has risen to over 100 games.

The University's other turf sport venues are running at full capacity and there is no scope for moving any of the lost Grove Farm fixtures to either the Highfields or Sutton Bonington facilities. Highfields and Sutton Bonington equally suffer from the same impact of extreme weather events. Indeed Highfields and Sutton Bonington will suffer cancellations earlier than the Grove Farm site due to the nature of the soil structure and

lack of effective drainage. Part of the Highfields venue often suffers from flooding due to the low lying nature of the southern area of the site, approximately 20% of which becomes unplayable during even moderate rainfall.

The proposed expansion of the current Grove Farm Sports Ground by approximately 3 hectares would take the overall usable turf space to 28ha. This would provide sufficient space to create an additional 3.5 pitches with the option for an additional grass cricket square as opposed to an artificial wicket. The creation of 3 to 4 additional football / rugby pitches will enable the more efficient distribution of wear across the football pitches in particular giving a possible 20%-25% reduction in overall use of each pitch. This will provide an additional benefit in terms of end of season renovations which should be far less demanding and enable the current practice of making three pitches available for summer use without adversely impacting on the provision of pitches at the start of the new season. This will hopefully offset the 10% cancellations currently experienced annually.

To summarise, the primary purpose for increasing playable surface area is therefore to enable pitch rotation which reduces the overall wear and tear, and thus avoid cancellations due to poor pitch conditions. The increase in pitch provision will not allow an increase in fixtures because the new pavilion development will still only be able to host 38 teams.

(b) Objectors - Further Representations

On the update sheet for this item at the September Committee, details of two objections from a local resident were reported. They had made a further representation which, in addition to comments raised previously, made the following points:

- Needs to be consideration of the cumulative effect of this development along with others (Boots EZ, tree felling at Clifton Grove, flood lighting at NTU Clifton Campus);
- The proposal has an 'urbanising design', rather than evoking the existing Grove Farm buildings;
- The existing granary barn is a notable feature in this setting.

In response it was commented that the other developments referred to were not considered to be of relevance to this proposal in cumulative impact terms (none were within the Green Belt).

The design of the pavilions, loss of the farm buildings and their heritage value were covered in the report.

RESOLVED

- (1) to grant planning permission, subject to conditions substantially in the form of those listed in the draft decision notice;**
- (2) to delegate power to the Director of Planning and Transport to determine the final details of the conditions.**

53 CLIFTON HALL, HOLGATE

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transport on application 13/00958/PVAR3 submitted by Ben Hunt Planning Ltd on behalf of Mr Suresh Patel, for planning permission to vary the terms of condition 18 of planning permission reference 05/01759/PVAR3, to allow the hedge planted alongside Clifton Hall Drive to be retained.

He reported that the applicant had served notice on all parties with a land ownership interest within the application site on 18 September 2013. However, since publication of the agenda it had come to the attention of the applicant that the address of a company with a land interest, to which a notification was sent, had changed.

The applicant had therefore corrected this issue by serving a further copy on the new address on 9 October 2013. The 21 day period required by the notice would not expire until 30 October 2013, and the following amended recommendations were proposed :

- " (1) *Following the expiry of the Article 11 notification period on 30 October 2013, and subject to no additional material considerations being raised in response to that notification, GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.*
- (2) *Power to determine the final details of the conditions of the planning permission be delegated to the Director of Planning and Transport."*

The Committee :

- noted the opposing views of the applicant and other local residents and expressed disappointment that no successful solution had been achieved thus far and urged further discussion between the parties to achieve an acceptable solution;
- noted that documentary materials circulated in relation to the Clifton Village Conservation Area and the Clifton Hall Management Company (regarding hedge heights) had no formal status and were regarded as guidance only;
- noted the difficulties in enforcing any condition to control the height of hedges;
- considered that the condition detailed at paragraph 3.3 of the report, and the reason for its imposition, remained pertinent.

Moved by Councillor Alan Clark, seconded by Councillor Emma Dewinton, and

RESOLVED that planning permission be refused because the hedge is harmful to the appearance of the development, contrary to policies BE3, BE5, BE10 and BE12 of the Nottingham Local Plan.

54 WORLD OF MOWERS, 701 WOODBOROUGH ROAD

Nic Thomas, Area Planning Manager introduced a report of the Director for Planning and Transport on application 13/01653/PFUL3 submitted by SSA Planning Limited on behalf of KFC (GB) Limited for planning permission to demolish the existing showroom

and workshop and erect a restaurant with drive through facility, car park and amended access.

Mr Thomas reported that officers had been copied into a letter addressed to members of the Planning Committee that sought to address concerns that had been expressed about the proposal. Additional detailed highway plans had also been submitted.

The Committee noted:

- concerns regarding possible pedestrian safety issues arising from an expected increase in vehicular traffic accessing the site and adjacent roads.
- comments by Laura Cleal, Highways confirming that installation/retention of a pedestrian refuge on Woodborough Road opposite the intended development, was the most appropriate solution in terms of traffic management. Moving the location of any refuge/pedestrian crossing would have adverse implications for traffic flow and access elsewhere in the vicinity .

RESOLVED

- (1) to grant planning permission, subject to conditions substantially in the form of those listed in the draft decision notice;**
- (2) to delegate power to the Head of Development Management to determine the final details of the conditions.**

55 MOULDERS ARMS PUBLIC HOUSE, BOVILL STREET

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transport on application 13/01914/PFUL3 submitted by Mr Harun Holmes for planning permission to a change of use of the premises to community centre/evening school, Use Class D1.

Possible increase to vehicular traffic in the area arising from the proposed change in use had been raised as a concern. Mr Percival advised however, that Bovill Street was a not a through road, In addition it was not intended to use the venue was a place of worship (and a condition restricted its use as such) and in those circumstances it was not anticipated that fears of an increase in traffic would be realised.

RESOLVED

- (1) to grant planning permission, subject to conditions substantially in the form of those listed in the draft decision notice;**
- (2) to delegate power to the Director of Planning and Transport to determine the final details of the conditions.**

56 NOTTINGHAM LAWN TENNIS CLUB, TATTERSHALL DRIVE

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transport on application 13/01116/LCAC1 submitted by Mr Peter Dion on behalf of

the Nottinghamshire Lawn Tennis Association for conservation area consent to demolish an existing storage building.

He reported the following information and changes since publication of the agenda:

(a) Existing Objector – further email

A further email of objection had been received from the objector referred to in the report. This repeated comments made previously and raised the following:

- The pavilion makes a positive contribution to the area and properly repaired could be a good asset;
- The asbestos referred to by the applicant may be the 'low risk' sort.

In response it was stated that the building's contribution to the area was covered in the report, and that the existence of asbestos within the building was not in itself put forward as a reason for recommending that this application be approved. The applicant's comment that its general dilapidation was creating a health and safety concern was however noted.

(b) Additional Information by Applicant

The applicant has provided additional background information as follows:

The building was believed to have been erected some time during the 1930s as a pavilion and continued as such during the occupancy of the site by William Hollins as their sports ground.

It continued in this use when Hollins left the site and was for a time used by a County Junior Club which subsequently closed down.

The EBA leased the Bowls green and constructed their own pavilion during the late 1950s or early 1960s and consequently the original pavilion was then used for storage only. Repairs to it have been very minimal with the roof covering in asbestos sheeting and the external walls clad with corrugated metal.

There is electricity in the building which has been condemned as dangerous and since the EBA got into financial difficulties some years ago and left the site it has not been used at all.

The highly expensive four clay courts constructed in 1992 are of American design and were the first in this Country part funded by a loan from the LTA. Although strongly recommended by the LTA they proved to be inadequate for our climate and very time consuming to maintain and have been disused for several years.

The Notts LTA are still uncertain as to the future of the clay courts which could in fact be reinstated as all-weather courts. The Notts LTA are at present in negotiations with a probable long term tenant for the Bowls site and the clay courts which are likely to be dependent on the building being demolished. The intention then is to pave and landscape the site of the building and the surrounding area with seating for viewing purposes.

RESOLVED

- (1) to grant conservation area consent, subject to conditions substantially in the form of those listed in the draft decision notice;**
- (2) to delegate power to the Director of Planning and Transportation to determine the final details of the conditions.**

57 LAND AND PLANNING POLICIES DEVELOPMENT PLAN DOCUMENT – PREFERRED OPTION CONSULTATION

Matt Gregory introduced a report by the Director for Planning and Transport which set out details of the City Council's Preferred Option to replace the current Nottingham Local Plan (2005). The Preferred Option would be used as a consultation document for interested individuals and groups to respond by 2 December 2013.

RESOLVED to note the on-going consultation process and opportunity for respondents to reply before the deadline of 2 December 2013

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Victoria Centre Complex , Victoria Centre

1 SUMMARY

Application No: 13/02325/PFUL3 for planning permission

Application by: Nathaniel Lichfield & Partners on behalf of Intu Properties Plc

Proposal: Alterations to Glasshouse Street entrance.

The application is brought to Committee because Councillors have reviewed other recent schemes for the Victoria Centre.

To meet the Council's Performance Targets this application should be determined by 20 November 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions to be delegated to the Head of Development Management and Regeneration.

3 BACKGROUND

The application site is the eastern entrance into the Victoria Centre, which is on Glasshouse Street. The entrance doors are set back within a ramped recess. There is a pedestrian crossing over Glasshouse Street at this point.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposals are for alterations to the appearance of the Glasshouse Street entrance to the Victoria Centre. The internal walls to the ramped entrance are proposed to be clad in stone coloured tile base with a white render finish above. The ceiling is proposed to be replaced in new plasterboard with feature downlights. The existing ramp would be resurfaced in granite paving. Externally, the entrance opening is proposed to be framed in stone coloured tile cladding and white render, with a polycarbonate cladding fascia panel above.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by a site notice.

Additional consultation letters sent to:

Urban Design: The proposed alterations will significantly improve the quality of appearance and finishes to this entrance.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Nottingham Local Plan (November 2005):

BE3 - Building Design.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issue

(i) The design and appearance of the development (Policy BE3).

- 7.1 The existing entrance is an unattractive and uninviting access into the Victoria Centre, which is primarily due to its deep recess and dark blue/black facing brick construction.
- 7.2 Whilst it would be preferred that the recess is designed out and the entrance doors brought forward onto Glasshouse Street, the applicant has advised that this is not possible due to the position of a utilities substation and fire escape that are located on the ramp and require uninhibited external access/egress. The gradient of the ramp also needs to remain compliant with the Building Regulations, which would not be possible if a level threshold was introduced with entrance doors onto Glasshouse Street.
- 7.3 Despite these constraints, it is considered that the proposed alterations will significantly improve the appearance of this entrance. The stone coloured tile cladding and white render to the internal facades of the ramp will lighten its appearance. Downlighting along the length of the ramped entrance will also brighten this recess and discourage anti-social behaviour. The entrance is also covered by the internal CCTV system from within the Victoria Centre.
- 7.4 The use of the stone coloured tile cladding and white render to frame the entrance onto Glasshouse Street and polycarbonate cladding fascia above will mark out the entrance in the street scene. The polycarbonate cladding has been approved for use around the western clock tower entrance to the Victoria Centre and there is therefore a design logic in using the same material here.

7.5 It is considered that the proposed alterations will enhance the local environment, townscape and character of the area and will enhance community safety, crime prevention, and street activity in accordance with Policy BE3(a) and (d).

8. SUSTAINABILITY / BIODIVERSITY

None.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

Ensuring that the accessibility of the building is maintained and improved.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Providing a high quality and sustainable development.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 13/02325/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MTOMWFLYCB000>

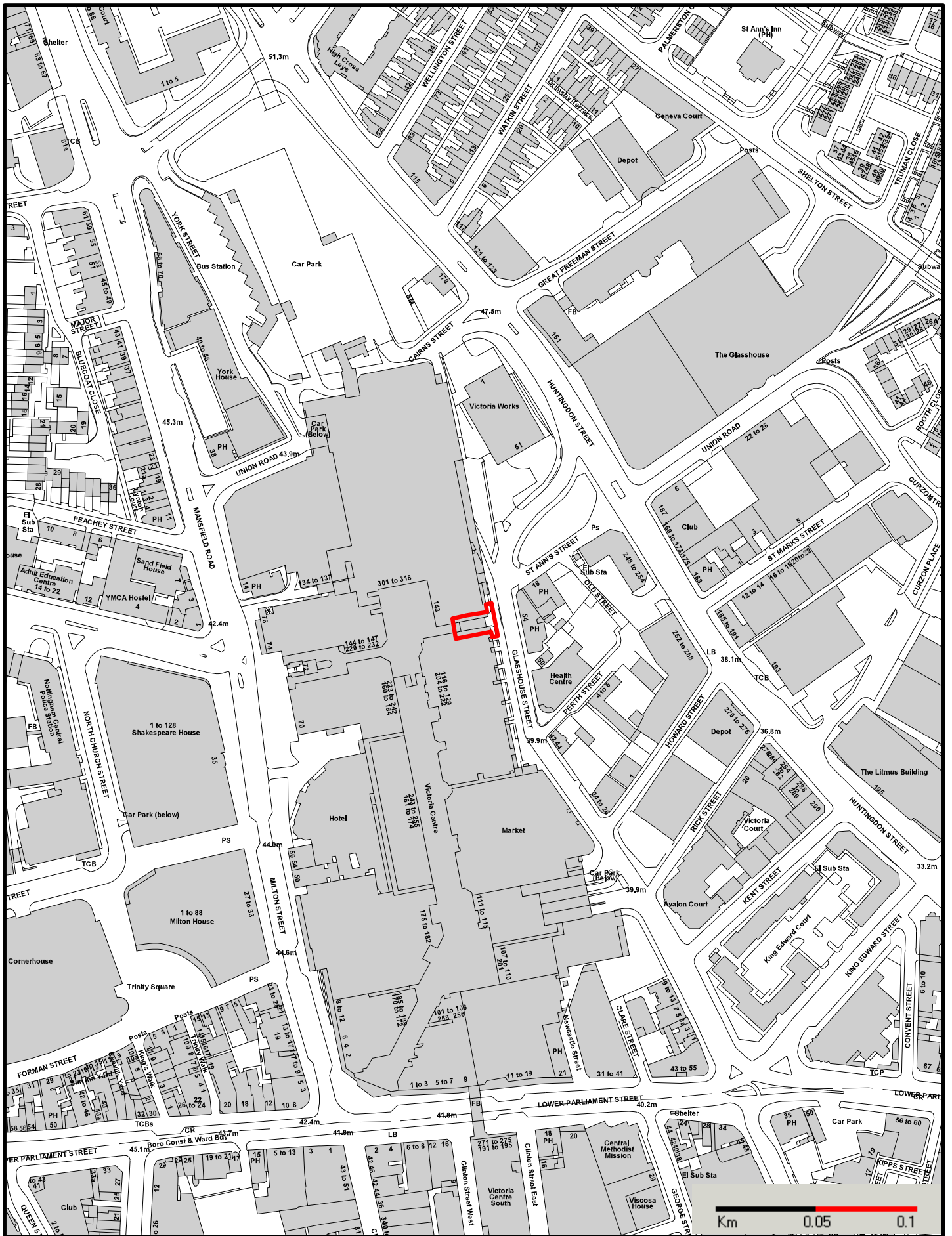
17 Published documents referred to in compiling this report

National Planning Policy Framework
Nottingham Local Plan (November 2005)

Contact Officer:

Mr J. Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074



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Nottingham
City Council

My Ref: 13/02325/PFUL3 (PP-02907741)
Your Ref:
Contact: Mr J. Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Nathaniel Lichfield & Partners
FAO: Miss Hannah Fortune
14 Regent's Wharf
All Saints Street
London
N1 9RL

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 13/02325/PFUL3 (PP-02907741)
Application by: Intu Properties Plc
Location: Victoria Centre Complex , Victoria Centre, Milton Street
Proposal: Alterations to Glasshouse Street entrance.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.
Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)
There are no conditions in this section.
Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 25 September 2013.

Reason: To determine the scope of this permission.

Informatives

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 13/02325/PFUL3 (PP-02907741)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

280 Nottingham Road, Nottingham

1 SUMMARY

Application No: 13/02102/PFUL3 for planning permission

Application by: DSP Architects Ltd on behalf of Aldi Stores Ltd.

Proposal: New retail food store following demolition of existing buildings.

The application is brought to Committee because it is a major planning application that has generated significant local interest.

To meet the Council's Performance Targets this application should be determined by 4th December 2013.

2 RECOMMENDATIONS

REFUSE PLANNING PERMISSION for the following reasons:

1. The proposed layout and design of the building would result in a poor quality form of development that would both harm, and fail to enhance the local environment, townscape and character of the area. The proposed building lacks interest and quality and the site layout would result in a car-dominated environment that fails to respect the established character of this part of Nottingham Road. Approval of the proposal would therefore be contrary to policy BE3 of the Nottingham Local Plan (2005) and guidance contained within the National Planning Policy Framework.

2. The proposed development would result in out-of-centre convenience retailing which is too far from existing shopping centres to encourage linked trips. Approval of the store in this location would fail to enhance and sustain the vitality and viability of existing centres and would generate additional car trips, contrary to the aspirations of policy S5 of the Nottingham Local Plan (2005).

3 BACKGROUND

3.1 The site is presently occupied by a single storey vehicle showroom building at the junction with Lortas Road. The showroom is set behind a single row of display vehicles and close to the Lortas Road pavement. To the rear of the site is a larger vehicle display area and a profile sheet clad servicing building.

3.2 To the southeast, bordering the site, is Concord House, an office / warehouse building. To the southwest, across Nottingham Road, are further office buildings. To the northwest, across Lortas Road, is Sherwood Works, currently being converted to a banqueting suite and beyond that is a Sainsbury's store. To the northeast are further industrial buildings. This part of Nottingham Road is a mixture of commercial

uses, including retail in the form of corner shops, a book makers, food and drink and leisure uses, offices and other employment uses. Beyond the commercial uses on Nottingham Road to the northeast and southwest of the site are residential areas. The site has no allocation in the adopted Local Plan and is not in a designated retail centre.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is for demolition of the existing car showroom and the construction of a food store of 1,595 square metres. The single storey building would be located at the rear of the site, set back from Nottingham Road behind parking for 77 cars.
- 4.2 The proposed building would be flat-roofed and the elevation to the car park would be primarily full height glazing with a rendered panel holding the store signage and would contain the store entrance. The remaining elevations would be rendered with the Lortas Road elevation containing an element of full height glazing. A powder coated canopy would extend around the front corner of the building above the entrance.
- 4.3 Vehicular access would be from Lortas Road, which includes a pedestrian route. There would be a further pedestrian access into the car park from Nottingham Road. The street boundaries to the site would be a dwarf brick walls with piers and railings.
- 4.4 Employment opportunities would be created during both the construction and operational phases of the development. The applicants have committed to working with the council's employment hub to deliver opportunities for local people. This would be secured by planning obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Twenty-nine notification letters were sent to neighbouring occupiers at 3, 7, Jones And Co and The Hendric Building, Lortas Road; Units 1 & 2, Ground Floor and First Floor, Concorde House, Nottingham Road; 290, 292, Accommodation Over Willow Tree Inn, 313, 311 to 319 odds, 323 and Accommodation Over, 325, 327, Flats 1 & 2 329, 331, 333, 335, 337 and Flat Over, Nottingham Road; Sainsburys, Perry Road. The application was also advertised by a site notice and a press advert.

Fifty-six cards and emails have been received supporting the proposal. The vast majority of these are hand written comments on cards that were supplied to residents by the applicant. The reasons for supporting the proposal are:

- The store would provide quality foods at affordable prices.
- The store would be convenient for the local community and provide local people with more shopping choice.
- The store would be within walking distance for many local residents and would avoid the need to drive to other Aldi stores.
- The store would create employment opportunities for local people.

One letter of objection received, from the operator of a nearby shop, objecting on grounds of the effect the proposed store would have on local businesses.

Additional consultation letters sent to:

Highways: No objection subject to conditions regarding covered cycle storage, a full-store travel plan, construction management plan, disposal of surface water drainage and making good of redundant crossing points. The proposed pedestrian refuge is acceptable as this does not necessitate the relocation of the bus stop and it will be on a desire line as people disembark the bus, allowing them to access the store via the pedestrian route in the car park, or along the footway on Lortas Road.

Pollution Control: Request conditions to ensure no noise disturbance to existing residents from plant, air handling or other equipment.

Planning Policy: Verbal advice that the proposal needs to satisfy the requirements of policy S5 of the adopted Local Plan. This includes having regard to the sequential approach to site selection and the impact upon existing centres.

Urban Design: The store offers little in terms of design quality, reflecting the applicants' standard product. The area is typified by a mixture of buildings and uses, some are of a higher quality, but all have some interest and rhythm and most importantly address the street. Although some buildings are set back to accommodate (typically) a row of vehicle parking at the front, as a group they all help to enclose the street, contributing to its visual interest and providing a more pedestrian friendly environment. The length and width of the street makes the relationship of the road and buildings even more important in creating enclosure and visual interest. Some frontage car parking to a food store is to be expected. However, by locating the store at the rear of the site, the proposal detracts from the overall appearance and function of the street. The detrimental visual effect on the street scene is exacerbated when considered together with the design of the building.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application. The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved.
- 6.2 Paragraph 24 requires the application of a sequential assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF recognises town centres as the heart of communities and Local Planning Authorities should pursue policies to support their viability and vitality. Local Authorities should promote competitive town centres that provide customer choice and a diverse retail offer.
- 6.3 Paragraph 56 states that great importance is attached to the design of the built environment, with paragraph 61 advising this not just limited to architectural appearance but wider design issues.

- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

CLG Planning for Town Centres Practice Guide on Need, Impact and the Sequential Approach (2009)

- 6.5 The CLG Practice Guide was prepared to help those involved in preparing or reviewing retail assessments. The guidance reinforces that town centre sites are likely to be the most readily accessible locations for retail uses, reducing the need to travel and increasing choice and competition to encourage linked trips.

Nottingham Local Plan (November 2005):

E2 Industrial Development / Expansion and Restructuring (site E2.6 – Basford Gas Works).

BE2 - Layout

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

ST1 – Sustainable Communities.

ST2 – A Successful Economy.

S5 – New Retail Development, on the Edge of or Outside Existing Centres.

NE9 - Pollution.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Sustainability and economic considerations
- ii) Retail policy analysis
- iii) Highway impact
- iv) Urban design considerations
- v) Residential amenity issues

i) Sustainability and economic considerations (Policies ST1 and ST2)

- 7.1 The site is an unallocated site within the adopted Local Plan and therefore its use for retail purposes does not conflict with any strategic designation.
- 7.2 Policy ST1 advises that planning applications should be considered against various criteria, including the need to promote mixed uses, the scheme's contribution to strengthening and diversifying the economic base of the city and access to local

employment opportunities (particularly to disadvantaged groups). ST1 also encourages the use of previously developed land and buildings and the efficient use of land.

- 7.3 The site falls within a mixed commercial and residential area where a reasonable amount of custom is likely to come from residents living in the nearby areas. The site is located on a busy road where there are frequent buses providing good public transport links to the city centre and surrounding areas. The site is previously developed, as encouraged by policy ST2, and the scheme makes efficient use of the site. Although not strictly an employment generating use, local job opportunities would be created through both the construction and operational phases of the development. In principle, the scheme substantially complies with policy ST1.

ii) Retail Policy Analysis (Policy S5, NPPF and CLG Town Centres Practice Guide)

Retail Analysis – Sequential Site Assessment

- 7.4 Policy S5 states that planning permission for new retail development outside existing centres will only be granted where no other suitable sites are available within existing centres. Policy S5 prioritises retail development on sites that firstly fall within the City Centre or Town Centre, or secondly on the edge of the City Centre or Town Centre or within Local Centres. This approach, known as sequential site assessments, is a key requirement of national planning policy as it aims to prioritise in-centre sites before out-of-centre sites are considered.
- 7.5 The sequential site assessment has been an important part of both local and national planning policy for many years. It protects in-centre sites from remaining vacant or under-used while less sustainable, out-of-centre sites are developed. In-centre development is important because it supports the local economy, increasing footfall and consumer spend, which protects the vitality and viability of town centres.
- 7.6 Sequential site assessment is a key component of the former PPS4 and this is continued within the National Planning Policy Framework. Paragraph 24 of the NPPF states that “Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date local plan. They should require applications for main town centres uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered”. The supplement to PPS4 (CLG Planning for Town Centres Practice Guide, 2009) provides detailed guidance on carrying out and assessing retail assessments. It states (paragraph 5.5) that “significant weight is attached to the outcome of the sequential site assessment”. At paragraph 5.6, it states that “the sequential approach forms a key policy consideration and can, in itself be a clear reason for refusal”.
- 7.7 The site is located approximately 1.2km from Hyson Green District Centre, 1.2km from the Carrington Local Centre and 1.5km from Sherwood District Centre. There are three smaller Centres of Neighbourhood Importance within similar distances. As the site is a substantial walk from an existing centre, the potential for linked trips with other in-centre uses is limited.
- 7.8 The applicant has carried out a retail assessment, which includes a sequential site assessment. Of the assessed sites, one is Basford Gas Works, one is in Hyson

Green District Centre (Cricket Players Pub), one is in Sherwood District Centre (Sherwood Library), one in the Aspley Road Local Centre (Halfords), two in the Bobbersmill Centre of Neighbourhood Importance (The Capitol Cinema and vacant site on Alferton Road) and two adjacent to the Carrington Local Centre (vacant site on east side of Mansfield Road and Carrington School playing fields).

- 7.9 The submitted assessment concludes that these are no suitable alternative sites and sets out a range of reasons for this. This includes the Basford Gas Works (Radford Road) site, as this site benefits from an extant permission for a mixed use development including retail uses. The applicant considers that whilst the Gas Works site lies a similar distance from the nearest centres, it is less accessible both by foot and public transport, in addition to being further from residential areas. It is further noted that the Gas Works proposal was speculative and that the retail element formed part of a wider range of uses. The applicant concludes that the Basford Gas Works site is unsuitable and unviable.
- 7.10 The Basford Gasworks site was granted planning permission in January 2013 (ref. 12/02756/PFUL3) for a mixed use development comprising employment, retail, employment and leisure uses. The site is an allocated employment site and in granting permission for the retail and residential elements, consideration was given to the supporting text to policy E2 which recognised the need to allow some enabling uses to facilitate the delivery of employment uses. While it was acknowledged that the Basford Gas Works is out of centre and therefore raised concerns about the impact upon existing centres, an exception to normal policy was made given the wider regeneration benefits of developing that unsightly, vacant site. The permission has not yet been implemented but it is recognised that the site is more likely to come forward with the enabling uses allowed through the mixed use permission.
- 7.11 It is accepted that Aldi considers the Gas Works site to be unsuitable to meet its own business requirements and it would be inappropriate to refuse this application because that site is not being chosen as a sequentially preferable site to the application site. There remains a concern that if the application site is brought forward for convenience retailing, this could impact upon the prospect of convenience retailing on the Gas Works site. While this is a possibility, the applicant has made a strong case that the retail offer on the Gas Works site is unlikely to come forward in the short to medium term given it has less presence to a main road frontage and to residential areas. No interest has been shown in the Gas Works retail permission in the past 12 months and the owner of that site has not raised any concerns to Aldi opening a store on the Nottingham Road site. It is considered that, on balance, the new store is unlikely to harm the development of the Gas Works site and therefore the application does not conflict with the aims of policy E2.
- 7.12 Discussions have taken place with the applicant about whether Sherwood Library site at the southern end of Sherwood District Centre could accommodate a store of this size / type. The applicant has stated that the Sherwood Library site is unsuitable as it is claimed that it is too small to be able to accommodate this type/size of store without sufficient dedicated car parking spaces. Issues relating to topography and servicing have been cited as potential obstacles. The Sherwood Library site is available for development and is of a size that could accommodate a new store if Spondon Street and the adjacent public car park are incorporated into the site. The applicant has prepared drawings and accompanying supporting information to demonstrate that the site's constraints wouldn't suit their business model, particularly as they would be unable to achieve a satisfactory car parking

ratio for its customers. It is considered that the site would not be suitable to accommodate the new store without affecting viability and therefore, on balance, the sequential site assessment test is satisfied.

Retail Analysis – Impact Assessment

- 7.13 Policy S5 advises that where there are no suitable in-centre sites, this proposal should be considered with regard the other stated criteria, including the impact upon the vitality and viability of existing centres.
- 7.14 The applicant's Retail Impact Assessment considers the potential impact of the new store on the vitality and viability of existing shopping centres within the catchment area, taking into account the potential impact of committed retail development notably that approved on the Gas Works site at Radford Road. The analysis has factored in the impact upon existing centres if the proposed Aldi retail store at Woodborough Road (ref. 13/02150/PFUL3), which features elsewhere on this agenda, is granted planning permission and subsequently implemented.
- 7.15 The supporting text to policy S5 is in line with the guidance in paragraph 26 of the NPPF, that only developments above a threshold of 2,500m² need to demonstrate that an out-of-centre retail proposal would not impact upon investment and vitality / viability of existing centres. The submitted analysis demonstrates that the impact upon existing centres, specifically the larger centres of Hyson Green and Sherwood, would not be significantly adversely affected. The largest impact would be to existing large foot retailers (such as Asda, Hyson Green and Sainsbury's Perry Road), but given the scale of these stores, the impact is these and wider centres is not considered to be substantial. In this regard, the scheme does not conflict with policy S5.

Retail Analysis - Accessibility by a Choice of Transport Modes

- 7.16 Policy S5b requires that consideration be given to the extent to which the site is, or can be made, accessible by a choice of means of transport and whether the proposal would add to the overall number and length of car trips.
- 7.17 As stated above, the site is located in an out-of-centre location where it would not be likely that customers would make linked trips with in-centre shops and other facilities, particularly the larger centres at Hyson Green and Sherwood. The site is also not suitably located to allow customers to make use of the wider range of public transport options, such as the use of the tram within Hyson Green District Centre that would otherwise be available if the site were in-centre. This could lead to additional trips for those customers wishing to use in-centre shops and other facilities or could mean that people who don't live on a bus route passing the site would be more likely to travel by car than if the site were in-centre. In this regard, the proposal doesn't fully comply with the aspirations of policy S5b).
- 7.18 There is a regular bus service along Nottingham Road, with bus stops nearby on both sides of Nottingham Road. The scheme proposes cycle parking facilities and improvements are proposed to provide improved pedestrian crossing facilities to residential areas on the opposite side of Nottingham Road. While it is anticipated that many customers would travel by car as is evidenced by the proposed number of parking spaces and the way the applicant has chosen to site them prominently next to the main road, people wishing to travel by other means could have that option. In this regard, the proposal complies with policy S5b).

Retail Analysis - Enabling the Wider Redevelopment of Brownfield Sites

- 7.19 The proposed site is an existing showroom site and the scheme proposes to make efficient use of brownfield land. While the proposal would not specifically facilitate wider redevelopment, the use provides the opportunity to improve the site's appearance. While there remains strong concerns about the design / layout of the scheme, as outlined below, the principle of redeveloping the site does not conflict with the aims of policy S5(c).

Retail Analysis - Alternative Sites

- 7.20 For the reasons set out above, there are no sequentially preferable sites within the store's catchment area. The proposal therefore does not conflict with policy S5(d).

iii) Highway and Issues (Policies BE2 and T3)

- 7.21 The site is located in a mixed-use, out-of-centre location where it is anticipated that a reasonable proportion of customers would travel from the local area. The nature of the use is such that even people travelling locally may drive to the site in order to transport shopping. This assumption is evidenced by the applicant's desire to cater for the private car owner by providing 77 parking spaces. The applicant has also chosen to locate these spaces to the front of the store, with the building pushed to the back of the site, promoting car use by making the spaces more visible and accessible to the store's entrance. It also makes access on foot or by public transport less convenient as it would be further for customers walk to Nottingham Road than if the entrance were pulled close to the main road. While the applicant has been prepared to agree to the provision of a pedestrian refuge across Nottingham Road (with associated pedestrian links through the car park), they haven't been willing to make the necessary modifications to the layout to discourage car use and make it more attractive for those travelling by more sustainable modes, as recommended by Policy T3(b).
- 7.22 As stated above, the out-of-centre location of the site makes it difficult for staff and customers to make full use of public transport that an in-centre location allows. It also discourages shared trips to other in-centre shops and local facilities – speculatively or planned. In this regard, the scheme is not considered to be sustainable development as recommended by the NPPF.
- 7.23 A number of bus services also travel along Nottingham Road and bus stop are located close to the site. The applicants have suggested that they would be willing to provide a pedestrian refuge to improve access to the site from across Nottingham Road. This, along with cycle parking provision, would be secured by condition if the scheme were acceptable in all other regards.
- 7.24 The level of car parking provision equates to one space per 21 square metres, which is less than the maximum parking standard as set out in Appendix 1 of the Local Plan. Nevertheless, this ratio could be reduced further to discourage car use and to provide a more attractive, landscaped parking area. If the application were acceptable in all other respects, a condition would be included to secure modifications to the car park to reduce parking provision and provide a suitable landscaping scheme.
- 7.25 Staff, customer and servicing access to the car park would be provided off a single entrance off Lortas Road. There are no technical highway objections to this access arrangement, and no safety concerns have been raised with regard to highway

capacity or congestion. In this respect, the scheme complies with policies BE2 and T3.

iv) Urban Design Considerations (Policies BE3, BE5 and NPPF)

- 7.26 Policy BE3 requires, amongst other things, that the development will enhance the local environment, townscape and character of the area, particularly the established scale, massing, rhythm and materials. Policy BE5 seeks an appropriate and comprehensive landscaping scheme as part of new development, with clear proposals for maintenance. Raising standards in design is supported by the NPPF which requires that high quality design is secured through the planning process.
- 7.27 The building is designed to the applicant's standard model. It would be flat-roofed and primarily rendered with full-height glazing to the elevation facing Nottingham Road at the rear of the car park. Some improvements to the layout and design have been negotiated, including improved pedestrian access from Nottingham Road and a dwarf wall and railings to the site frontage with additional planting in the car parking area. However, a bespoke approach to the design of the building that makes more of a statement, provides interest and enclosure to the street and respects the wider context of the area would be a more appropriate solution. The applicant has been unwilling to accommodate this suggestion.
- 7.28 The food store would be positioned at the rear of the site with the car parking for 77 vehicles between the building and Nottingham Road. Buildings on this western side of Nottingham Road have a building line relatively close to the road, some set behind a single row of parking spaces. The existing car showroom on the site is not a high quality building, being lacking in height and without an obvious point of entry, but it is positioned close to Nottingham Road and therefore provides interaction and interest to users of the street.
- 7.29 The building on the opposite side of Lortas Road is an impressive brick built former textiles factory that fronts close onto Nottingham Road. The building has large and interesting fenestration and cornice / roof detailing, which provides interest and enclosure to the street.
- 7.30 The building design and site layout needs to respect the form and character / context of the area. It needs to enhance the environment and respect the site's context on a road junction, fronting a busy street. The proposed layout is dominated by car parking and is designed solely to meet a functional requirement of the food store. The car park area is substantially hard surfaced and despite the attempt to break this up with planting, creates a harsh and unwelcoming physical and visual environment. The distance between the building and the street means that there would be no substantive enclosure of the street such that the building would provide no presence to the street frontage.
- 7.31 It is considered that the proposed design and layout would fail to enhance the character and appearance of the area and fail to create or encourage activity on the street, contrary to policy BE3.

v) Residential amenity issues (Policy NE9)

- 7.32 The site is not physically adjoined by residential properties, with the nearest houses located on the opposite side of Nottingham Road and further along Lortas Road to the North East. In order to protect the amenity of local residents from noise from

plant and air handling equipment, Pollution Control officers have recommended a condition to agree details before installation. Subject to this, the proposal complies with policy NE9.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The retailer utilises a range of sustainable construction and energy reduction measures which are designed to reduce the company's carbon footprint and mitigate the impact of climate change. They have stated that they ensure that their buildings are efficiently designed to achieve an 'A Energy Performance Certificate' classification. They use energy efficient LED light fittings and run a building management system to reduce energy consumption during night time hours. The new stores are fitted with a heat reclamation system to take waste heat from refrigeration equipment to heat the store.
- 8.2 The applicant has stated that they use localised distribution centres to minimise the amount of road travel for delivery vehicles and these same vehicles are used to return waste. They also state that the company uses sophisticated systems to create efficient delivery routes and reduce fuel consumption through vehicle design and monitoring technology. Systems are in place to reduce packaging and food waste.
- 8.3 The package of measures would help to ensure that carbon emissions are significantly lower than conventionally heated, powered and insulated stores. The proposal complies with policy BE4.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Working Nottingham: the development will provide local employment opportunities.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

Application No: 13/02102/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MSDVH0LYCB000>

17 Published documents referred to in compiling this report

National Planning Policy Framework

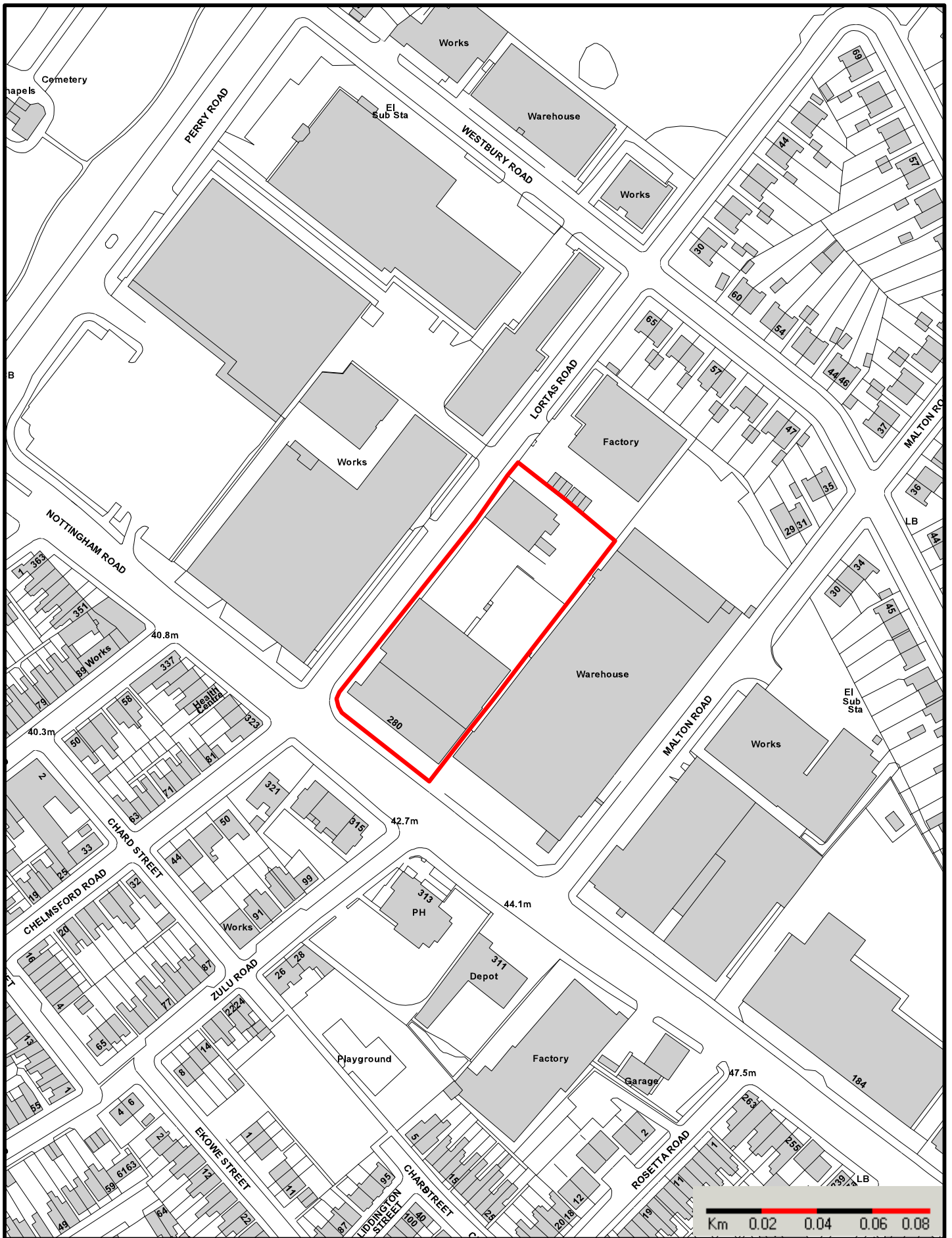
Planning for Town Centres: Practice Guidance on Need, Impact and the Sequential Approach (CLG – 2009)

Nottingham Local Plan (November 2005)

Contact Officer:

Mr P.H. Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 876407



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Nottingham
City Council

My Ref: 13/02102/PFUL3 (PP-02861400)
Your Ref:
Contact: Mr P.H. Shaw
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 13/02102/PFUL3 (PP-02861400)
Application by: Aldi Stores Ltd.
Location: 280 Nottingham Road, Nottingham, NG7 7DG
Proposal: New retail food store following demolition of existing buildings.

Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. The proposed layout and design of the building would result in a poor quality form of development that would both harm, and fail to enhance the local environment, townscape and character of the area. The proposed building lacks interest and quality and the site layout would result in a car-dominated environment that fails to respect the established character of this part of Nottingham Road. Approval of the proposal would therefore be contrary to policy BE3 of the Nottingham Local Plan (2005) and guidance contained within the National Planning Policy Framework.
2. The proposed development would result in out-of-centre convenience retailing which is too far from existing shopping centres to encourage linked trips. Approval of the store in this location would fail to enhance and sustain the vitality and viability of existing centres and would generate additional car trips, contrary to the aspirations of policy S5 of the Nottingham Local Plan (2005).

Notes

Your attention is drawn to the rights of appeal set out on the attached sheet.



DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 13/02102/PFUL3 (PP-02861400)

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If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

601 Woodborough Road, Nottingham

1 SUMMARY

Application No: 13/02150/PFUL3 for planning permission

Application by: DSP Architects Ltd on behalf of Aldi Stores Ltd.

Proposal: New retail store and associated works

The application is brought to Committee because it is a major planning application that has generated significant local interest.

To meet the Council's Performance Targets this application should be determined by 9th December 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions to be delegated to the Head of Development Management and Regeneration.

3 BACKGROUND

The site is a vacant, former car sales site located on the north side of Woodborough Road. The site is primarily hard surfaced and clear although there is a group of trees in the southwest corner of the site, close to the Woodborough Road frontage. To the west of the site fronting Woodborough Road is a single storey community centre building and a further car sales site and to the east is a three-storey block of flats and a row of shops. To the rear of the site is a belt of woodland trees which slopes away toward houses on Penarth Gardens. On the southern side of Woodborough Road are residential properties.

4 DETAILS OF THE PROPOSAL

4.1 The proposal is for the construction of a foodstore of 1,595 square metres. The single storey building would be located adjacent to the western boundary of the site, set back from Woodborough Road behind a landscaping strip and a row of family parking spaces. The remaining spaces would be located to the east of the building, primarily to the rear of the adjacent block of flats, with seven disabled spaces adjacent to the building entrance.

4.2 The proposed building would be flat-roofed and the elevation to Woodborough Road would be primarily full height glazing with a rendered panel holding the store signage. The side elevation facing the car park would contain the store entrance

and some full height glazing, with the main part of this elevation in brick with windows and render above. The remaining elevations would be rendered. A powder coated canopy would extend around the front corner of the building above the entrance.

- 4.3 Vehicular access would be between the building and the adjacent block of flats, this access also providing pedestrian access from the east. A further pedestrian access would run from the western corner of the site adjacent to the community centre to the store front. The front boundary of the site would be a dwarf brick wall with piers and railings.
- 4.4 It is proposed to retain two existing groups of trees (whitebeam and alder) towards the front of the site adjacent to the community centre. Additional landscaping is proposed, particularly to the front of the site and also to the peripheries, plus new trees within the parking areas.
- 4.5 Employment opportunities would be created during both the construction and operational phases of the development. The applicants have committed to working with the council's employment hub to deliver opportunities for local people. This would be secured by planning obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

43 notification letters were sent to neighbouring occupiers at 565, 589, Ground & First floors 613, 615, Flats 1 & 2 615A, 718, 718A, 720, 722, 722A, 724 - 750 evens, Flats 1-3 752, all Woodborough Road. The application was also advertised by a site notice and a press advert.

98 cards and emails have been received supporting the proposal. The vast majority of these are hand written comments on cards that were supplied to residents by the applicant. The reasons for supporting the new proposal are:

- The store would provide quality foods at affordable prices.
- The store would be convenient for the local community and provide local people with more shopping choice.
- The store would be within walking distance for many local residents and would avoid the need to drive to other Aldi stores.
- The store would increase shopping competition in the area.
- The proposal would improve the site's appearance.
- The development would create employment opportunities for local people.

Two letters of objection have been received, raising concerns about traffic problems and congestion. Concerns are that there are already problems at the Woodborough Road junctions with side streets and particularly The Wells Road and Mapperley Rise which would be worsened by additional traffic attracted by the new store.

One letter received suggesting that the site layout should take into account the views to the north and west, in particular by providing seating and removing some of the trees to the rear.

Additional consultation letters sent to:

Highways: Consider that the negotiated bus stop relocation is acceptable and could be secured by condition. Issues regarding drainage of the site remain to be resolved but could also be dealt with by condition. Note the need to provide covered cycle parking.

Pollution Control: Recommend conditions regarding soil and gas contamination and to ensure that noise from plant and equipment does not cause noise nuisance to local residents.

Planning Policy: Verbal advice that the proposal needs to satisfy the requirements of policy S5 of the adopted Local Plan. This includes having regard to the sequential approach to site selection and the impact upon existing centres.

Gedling Borough Council: Consider that not all relevant sites have been taken into account in the sequential testing and impact on Arnold town centre (since the comments were received, these sites have now been brought into the scope of the assessments).

Tree Officer: The existing trees contribute to Woodborough Road which lacks tree cover; supports their retention and notes that additional tree planting would further enhance the street scene.

Urban Design: Development of the vacant site is welcomed and the position of the building towards the front of the site would contribute to the street scene, its enclosure and activity. Retention of the trees and additional landscaping, together with the proposed boundary wall and railings would also add to the visual quality of the street.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 24 requires the application of a sequential assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF recognises town centres as the heart of communities and Local Planning Authorities should pursue policies to support their viability and vitality. Local Authorities should promote competitive town centres that provide customer choice and a diverse retail offer.
- 6.3 Paragraph 56 states that great importance is attached to the design of the built environment, with paragraph 61 advising this not just limited to architectural appearance but wider design issues.

- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

CLG Planning for Town Centres Practice Guide on Need, Impact and the Sequential Approach (2009)

- 6.5 The CLG Practice Guide was prepared to help those involved in preparing or reviewing retail assessments. The guidance reinforces that town centre sites are likely to be the most readily accessible locations for retail uses, reducing the need to travel and increasing choice and competition to encourage linked trips.

Nottingham Local Plan (November 2005):

BE2 - Layout.

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

ST1 – Sustainable Communities.

ST2 – A Successful Economy.

S5 – New Retail Development, on the Edge of or Outside Existing Centres.

NE9 - Pollution.

NE10 - Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Sustainability and economic considerations
- ii) Retail policy analysis
- iii) Highway impact
- iv) Urban design considerations
- v) Residential amenity issues

i) Sustainability and economic considerations (Policies ST1 and ST2)

- 7.1 The site is an unallocated site within the adopted Local Plan and therefore its use for retail purposes does not conflict with any strategic designation.
- 7.2 Policy ST1 advises that planning applications should be considered against various criteria, including the need to promote mixed uses, the scheme's contribution to strengthening and diversifying the economic base of the city and access to local

employment opportunities (particularly to disadvantaged groups). ST1 also encourages the use of previously developed land and buildings and the efficient use of land.

- 7.3 The site falls within a mixed commercial and residential area where a reasonable amount of custom is likely to come from residents living in the nearby areas. The site is located on a busy road where there are frequent buses providing good public transport links to the city centre and surrounding areas. The site is previously developed, as encouraged by policy ST2, and the scheme makes efficient use of the site. Although not strictly an employment generating use, local job opportunities would be created through both the construction and operational phases of the development. In principle, the scheme substantially complies with policy ST1.

ii) Retail Policy Analysis (Policy S5, NPPF and CLG Town Centres Practice Guide)

Retail Analysis – Sequential Site Assessment

- 7.4 Policy S5 states that planning permission for new retail development outside existing centres will only be granted where no other suitable sites are available within existing centres. Policy S5 prioritises retail development on sites that firstly fall within the City Centre or Town Centre, or secondly on the edge of the City Centre or Town Centre or within Local Centres. This approach, known as sequential site assessment, is a key requirement of national planning policy as it aims to prioritise in-centre sites before out-of-centre sites are considered.
- 7.5 The sequential site assessment has been an important part of both local and national planning policy for many years. It protects in-centre sites from remaining vacant or under-used while less sustainable, out-of-centre sites are developed. In-centre development is important because it supports the local economy, increasing footfall and consumer spend, which protects the vitality and viability of town centres.
- 7.6 Sequential site assessment is a key component of the former PPS4 and this is continued within the National Planning Policy Framework. Paragraph 24 of the NPPF states that “Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date local plan. They should require applications for main town centres uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered”. The supplement to PPS4 (CLG Planning for Town Centres Practice Guide, 2009) provides detailed guidance on carrying out and assessing retail assessments. It states (paragraph 5.5) that “significant weight is attached to the outcome of the sequential site assessment”. At paragraph 5.6, it states that “the sequential approach forms a key policy consideration and can, in itself be a clear reason for refusal”.
- 7.7 The application site is located 370m from Woodborough Road Centre of Neighbourhood Importance, and 500m from the more substantial Mapperley Plains District Centre, within Gedling Borough Council’s administrative area. It is regarded as being in an out-of-centre location when considering government guidance. As the site is a substantial walk from the larger Mapperley Plains centre, the potential for linked trips with other in-centre uses is limited.
- 7.8 The applicant has carried out a retail assessment, which includes a sequential site

assessment. This evaluates seven sites in terms of their availability, suitability and viability for the development. Two sites are identified adjacent to the Carrington Local Centre (vacant site on east side of Mansfield Road and Carrington School playing fields), one is in Sherwood District Centre (Sherwood Library), one is in the Mansfield Road Local Centre (61a Mansfield Road) and three are out-of-centre locations (former Neale's Auctioneers and 383-387 Woodborough Road & The Lindens, Woodborough Road).

- 7.9 The submitted assessment concludes that there are no suitable alternative sites where the proposed development could be located. Two sites are identified as being unviable due to their proximity to the existing Aldi store on Huntingdon Street. Two are the subject of Planning Briefs (383-387 Woodborough Road & The Lindens, Woodborough Road) which identify the Council's aspirations for residential development and are also out-of-centre. One site is too small and one is considered unsuitable to the operator's needs. The final site comprises school playing fields which are a community facility.
- 7.10 Discussions have taken place with the applicant about whether the Sherwood Library site at the southern end of Sherwood District Centre could accommodate a store of this size / type. The applicant has stated that the Sherwood Library site is unsuitable as it is claimed that it is too small to be able to accommodate this type/size of store without sufficient dedicated car parking spaces. Issues relating to topography and servicing have been cited as potential obstacles. The Sherwood Library site is available for development and is of a size that could accommodate a new store if Spondon Street and the adjacent public car park are incorporated into the site. The applicant has prepared drawings and accompanying supporting information to demonstrate that the site's constraints wouldn't suit their business model, particularly as they would be unable to achieve a satisfactory car parking ratio for its customers. It is considered that the site would not be suitable to accommodate the new store without affecting viability and therefore, on balance, the sequential site assessment test is satisfied.

Retail Analysis – Impact Assessment

- 7.11 Policy S5 advises that where there are no suitable in-centre sites, this proposal should be considered with regard the other stated criteria, including the impact upon the vitality and viability of existing centres.
- 7.12 The applicant's Retail Impact Assessment considers the potential impact of the new store on the vitality and viability of existing shopping centres within the catchment area. The analysis has factored in the impact upon existing centres if the proposed Aldi retail store at Nottingham Road (ref. 13/02102/PFUL3), which features elsewhere on this agenda, is granted planning permission and subsequently implemented.
- 7.13 The supporting text to policy S5 is in line with the guidance in paragraph 26 of the NPPF, that only developments above a threshold of 2,500m² need to demonstrate that an out-of-centre retail proposal would not impact upon investment and vitality / viability of existing centres. The submitted analysis demonstrates that the impact upon existing centres, specifically the larger centres of Mapperley Plains and Sherwood, would not be significantly adversely affected. In this regard, the scheme does not conflict with policy S5.

Retail Analysis - Accessibility by a Choice of Transport Modes

- 7.14 Policy S5b requires that consideration be given to the extent to which the site is, or

can be made, accessible by a choice of means of transport and whether the proposal would add to the overall number and length of car trips.

- 7.15 As stated above, the site is located in an out-of-centre location. The site is not too far away from existing centres to preclude the possibility of customers making linked to other nearby shopping centres and therefore the new store could bring some additional footfall. In this regard, the proposal doesn't conflict with the aspirations of policy S5(b).
- 7.16 There is a regular bus service along Woodborough Road, with bus stops nearby on both sides of the road. That service, travelling in a north easterly direction, continues into Mapperley Plans shopping centre. South westerly, the bus continues into the city centre. The scheme proposes cycle parking facilities and there are pedestrian crossing facilities to residential areas on the opposite side of Woodborough Road. While it is anticipated that many customers would travel by car as is evidenced by the proposed number of parking spaces, people wishing to travel by other means could have that option. In this regard, the proposal complies with policy S5(b).

Retail Analysis - Enabling the Wider Redevelopment of Brownfield Sites

- 7.17 The site is vacant and previously used. Whilst the proposal would not specifically facilitate wider redevelopment, the use provides the opportunity to improve the site's unsightly appearance which tends to be used for vehicle parking. The principle of redeveloping the site therefore does not conflict with the aims of policy S5(c).

Retail Analysis - Alternative Sites

- 7.18 For the reasons set out above, there are no sequentially preferable sites within the store's catchment area. The proposal therefore does not conflict with policy S5(d).

iii) Highway and Issues (Policies BE2 and T3)

- 7.19 The site is located in a mixed-use, out-of-centre location where it is anticipated that a reasonable proportion of customers would travel from the local area. The nature of the use is such that even people travelling locally may drive to the site in order to transport shopping. This assumption is evidenced by the applicant's desire to cater for the private car owner by providing 114 parking spaces.
- 7.20 The out-of-centre location discourages shared trips to other in-centre shops and local facilities. While the site is on a good bus route linking the city centre to the north east, with bus stops close to the site, the out-of-centre location is such that the scheme is not considered to be sustainable development as recommended by the NPPF.
- 7.21 The scheme proposes a dedicated pedestrian link through to the site entrance from Woodborough Road, which would separate pedestrian movements from cars. The vehicular access/egress would be separated by a pedestrian refuge and the pavement would wrap into the site to improve the safety of those walking to and from the store.
- 7.22 Policy T3b) requires that consideration be given to significantly reduce the use of private cars travelling to and from the site. The application is accompanied by a Travel Plan and cycle parking is provided for 12 cycles. This level of cycle parking is lower than is required for a scheme of this size / type and therefore a condition is

included to secure additional secure and covered cycle parking.

- 7.23 The level of car parking provision equates to one space per 25 square metres, which equals the maximum parking standard as set out in Appendix 1 of the Local Plan. The site layout would be improved if this ratio were reduced to discourage car use and to provide a more attractive, landscaped parking area. Reducing the size of the car park would also allow for a sustainable drainage feature to be provided. A condition is included to secure modifications to the car park to reduce parking provision and provide a suitable sustainable drainage / landscaping scheme.
- 7.24 Staff, customer and servicing access to the car park would be provided off a new single entrance off Woodborough Road. There are no technical highway objections to this access arrangement, and no safety concerns have been raised with regard to highway capacity or congestion. Woodborough Road has single lane traffic in both directions where it adjoins the site and there is an existing pedestrian refuge outside the site. The bus stop that is positioned adjacent to the proposed site access would need to be relocated. This detail is proposed to be dealt with by condition. The same applies with regard to re-instating redundant dropped crossings across the site frontage. In this respect, the scheme complies with policies BE2 and T3.

iv) Urban Design Considerations (Policies BE3, BE5 and NPPF)

- 7.25 Policy BE3 requires, amongst other things, that the development will enhance the local environment, townscape and character of the area, particularly the established scale, massing, rhythm and materials. Policy BE5 seeks an appropriate and comprehensive landscaping scheme as part of new development, with clear proposals for maintenance. Raising standards in design is supported by the NPPF which requires that high quality design is secured through the planning process.
- 7.26 The building is designed to the applicant's standard model. It would be flat-roofed and primarily rendered with full-height glazing to the elevation facing Woodborough Road at the rear of the car park. Some improvements to the layout and design have been negotiated, including improved pedestrian access from Woodborough Road, introducing brick to the lower sections of the walls to prevent scuffing and a dwarf wall and railings to the site frontage. However, the position of the entrance on the side of the building is disappointing as it fails to give the frontage a focal point. A bespoke approach to the design of the building, that makes more of a statement and provides interest and enclosure to the street is the ideal approach and this has been discussed with the applicant. That suggestion has been discounted on the basis that the operator wants to implement the model that is used elsewhere and that they know is commercially successful.
- 7.27 The food store would not be viewed particularly prominently in the street, particularly for those people travelling north easterly along Woodborough Road as it would be set back behind the building on the adjacent site. The frontage is softened by existing trees. Unlike other Aldi schemes, it isn't possible to site most of the car parking to the front of the building because of the shape of the site and as a result, much of the parking is located to the side, behind the adjacent block of residential flats. That area would be broken up by additional trees and this is welcomed. While the design and layout solution isn't ideal, given the context of the site and the benefits of developing an otherwise unsightly vacant site, the proposal is considered to comply with policy BE3.

v) Residential amenity issues (Policy NE9)

- 7.28 The proposed building entrance, and therefore the main area of activity, is approximately 30 metres from the neighbouring block of flats on Woodborough Road. At this distance, it is not envisaged that the use would have any materially detrimental impact on occupiers of these properties. Properties to the north of the site would be 60 metres from the building and its associated loading bay, at a lower level and protected by a substantial belt of trees. Again, it is not expected that any noise nuisance would occur and conditions can be imposed in this regard. Subject to a condition to control noise from plant and other equipment, the proposal complies with policy NE9.

Other Matters

- 7.29 The front section of the food store's car park would remain accessible at night and this is likely to provide a benefit for the local community given the shortage of car parking in the area. Retractable bollards would secure the rear section of the car park at night and help to avoid any issues of anti-social behaviour.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The retailer utilises a range of sustainable construction and energy reduction measures which are designed to reduce the company's carbon footprint and mitigate the impact of climate change. They have stated that they ensure that their buildings are efficiently designed to achieve an 'A Energy Performance Certificate' classification. They use energy efficient LED light fittings and run a building management system to reduce energy consumption during night time hours. The new stores are fitted with a heat reclamation system to take waste heat from refrigeration equipment to heat the store.
- 8.2 The applicant has stated that they use localised distribution centres to minimise the amount of road travel for delivery vehicles and these same vehicles are used to return waste. They also state that the company uses sophisticated systems to create efficient delivery routes and reduce fuel consumption through vehicle design and monitoring technology. Systems are in place to reduce packaging and food waste.
- 8.3 The package of measures would help to ensure that carbon emissions are significantly lower than conventionally heated, powered and insulated stores. The proposal complies with policy BE4.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Working Nottingham: the development will provide local employment opportunities.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 13/02150/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MSOZIDL YCB000>

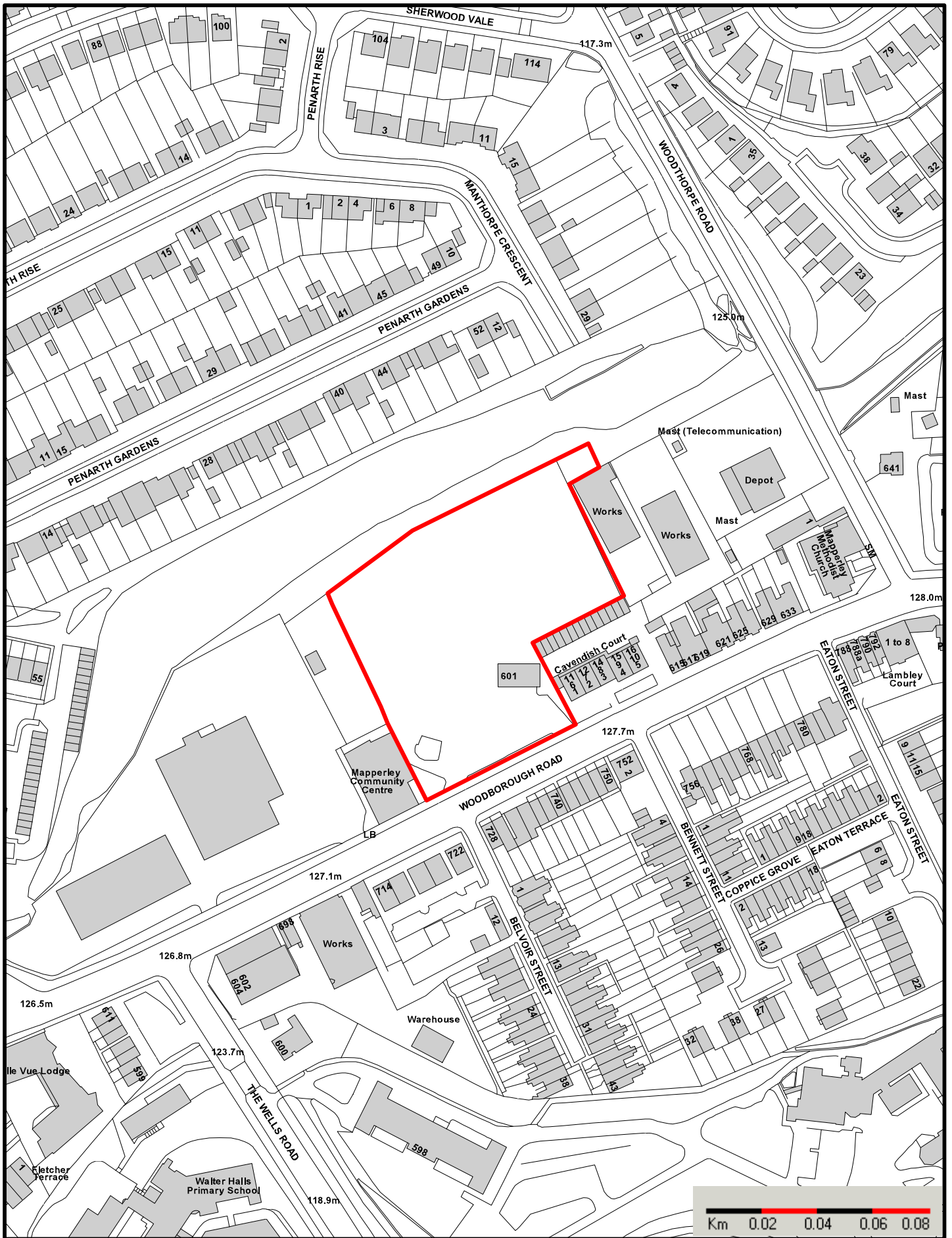
17 Published documents referred to in compiling this report

National Planning Policy Framework
Planning for Town Centres: Practice Guidance on Need, Impact and the Sequential Approach (CLG – 2009)
Nottingham Local Plan (November 2005)

Contact Officer:

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Nottingham
City Council

My Ref: 13/02150/PFUL3 (PP-02866347)
Your Ref:
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 13/02150/PFUL3 (PP-02866347)
Application by: Aldi Stores Ltd
Location: 601 Woodborough Road, Nottingham, NG3 5GG
Proposal: New retail store and associated works.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) the external materials of the new building;
 - b) the surfacing of the parts of the site which are not to be landscaped;
 - c) the enclosure of the site;
 - d) a revised layout plan showing a reduction in the number of parking spaces and providing for improved cycle provision, a scheme of sustainable drainage and an enhanced landscaping scheme as required by conditions listed below.

Reason: To ensure that the appearance of the site is satisfactory, in the interests of sustainable development in accordance with Policies BE2, BE3, BE4, BE5, NE10 and T3 of the Local Plan.

3. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site has been submitted to and approved in writing by the Local Planning Authority. This shall include:-
- i) details of an investigation and assessment of the gaseous emissions on the site;
 - ii) proposals for ensuring the safe removal of gas;
 - iii) proposals for preventing the lateral migration of gas; and
 - iv) any other remedial measures shown in the assessment to be necessary.

Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Local Plan

4. The development shall not be commenced until a detailed scheme to deal with contamination of the site, which shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed, has been submitted to and approved in writing by the Local Planning Authority. This shall include:-
- i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation
 - ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found
 - iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
 - iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Local Plan

5. The development shall not be commenced until a construction management plan detailing how the development works are to be carried out, including details of the type, size and frequency of vehicles arriving at and leaving the site, site access details, contractor staff parking provision, traffic management, haul routes and a phasing programme, has been submitted to and approved in writing by the Local Planning Authority. This shall also include details of wheel washing facilities and measures to prevent the deposit of debris onto the highway.

Reason: In the interests of highway safety in accordance with Policy BE2 of the Local Plan

6. The development shall not be commenced until details of the parking of 22 cycles have been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be covered, secure and conveniently located to the main entrance. The submission shall include details of the location and appearance of the cycle provision.

Reason: In the interests of sustainable travel in accordance with Policies BE2 and BE4 of the Local Plan.

7. The development shall not commence until further information regarding the disposal of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. the development shall not be carried out other than in accordance with the approved details.

Reason: To reduce the risk of flooding in the interest of sustainable development in accordance with Policy NE10 of the Nottingham Local Plan.

8. The development shall not be commenced until details of off-site highway works, involving the relocation of the bus stop adjacent to the site and the reinstatement of redundant dropped kerb crossings, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy BE2 of the Local Plan.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

9. A landscaping and planting scheme shall be provided for the development. In particular;
- a) the retail and residential units shall not be used until a detailed landscaping scheme for the car park and frontage indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority;
 - b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following its occupation; and
 - c) any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE5 of the Local Plan

10. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

Reason: Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.

11. The development hereby permitted shall not be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

Reason: Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.

12. The store shall not be brought into operation until the car park hereby approved has been provided and surfaced with porous or permeable materials and individual spaces marked out in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policies BE2 and T3 of the Local Plan.

13. The store shall not be brought into operation until the off-site highway works, involving the relocation of the bus stop adjacent to the site and the reinstatement of redundant dropped kerb crossings, have been carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy BE2 of the Local Plan.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)



14. Noise from any plant installed within the development shall not exceed the following at the site boundary with residential property:
Noise Rating NR40 between the hours of 07.00 and 23.00
Noise Rating NR35 between the hours of 23.00 and 07.00

Reason: In the interests of the amenities of the occupiers of nearby property in accordance with Policy NE9 of the Local Plan.

15. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiry of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the Local Planning Authority.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

16. A full store Travel Plan with up-to-date staff and customer travel survey data shall be submitted for approval by the Local Planning Authority no later than 3 months after store opening. The Travel Plan shall be based on the framework version submitted as part of this planning application and will make reference to schemes and development that have occurred in the interim period. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and approved by the Local Planning Authority within 3 months of each survey date.

Reason: In the interests of sustainable travel in accordance with Policies BE2 and BE4 of the Local Plan.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 9 September 2013.

Reason: To determine the scope of this permission.

Informatives

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what

other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

2. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

3. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

4. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is strongly recommended to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial preventive or precautionary measures. The developer will be expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.

5. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting
Water sprays/damping down of spoil and demolition waste
Wheel washing
Periodic road cleaning

6. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.



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7. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway could occur. Please contact them on 0115 8765238.

8. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

9. The Highway Authority considers it prudent that as part of the proposed off site highways works a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Nottingham City Council at the expense of the developer. This is a separate legal process and the applicant should contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 13/02150/PFUL3 (PP-02866347)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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