



**NOTTINGHAM CITY COUNCIL**  
**PLANNING COMMITTEE**

**Date:** Wednesday, 19 November 2014

**Time:** 2.30 pm

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham,  
NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

**Acting Corporate Director for Resources**

**Governance Officer:** Mark Leavesley **Direct Dial:** 0115 8764302

**AGENDA**

**Pages**

- |          |  |         |
|----------|--|---------|
| <b>1</b> | <b>APOLOGIES FOR ABSENCE</b>   |         |
| <b>2</b> | <b>DECLARATION OF INTERESTS</b>  |         |
| <b>3</b> | <b>MINUTES</b><br>To confirm the minutes of the meeting held on 22 October 2014  | 3 - 12  |
| <b>4</b> | <b>PLANNING APPLICATIONS: REPORTS OF THE HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION</b>   |         |
| <b>a</b> | <b>SOCIETY LINEN AND ELECTRICITY SUBSTATION, DALESIDE ROAD - SITE OF</b><br>Outline planning permission for the development of a food store together with other retail units, a restaurant building an employment/ancillary use building and landscaping | 13 - 40 |
| <b>b</b> | <b>UNITS 1 TO 4, QUEEN'S ROAD</b><br>Planning permission for demolition of existing buildings followed by the erection of a discount food retail store, alterations to car park and associated works   | 41 - 58 |

**c OAKFORD CLOSE, BROXTOWE - LAND AT**

59 - 64

To discharge the existing planning obligation relating to the development at the former 11-67 Oakford Close

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

**IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE 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**

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT [WWW.NOTTINGHAMCITY.GOV.UK](http://WWW.NOTTINGHAMCITY.GOV.UK). INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

**NOTTINGHAM CITY COUNCIL**

**PLANNING COMMITTEE**

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 22 October 2014 from 14.30 - 16.05**

**Membership**

Present

Councillor Chris Gibson (Chair)

Councillor Liaqat Ali

Councillor Cat Arnold (present for minutes 34 to 38 inclusive)

Councillor Graham Chapman (present for minutes 34 to 38 inclusive)

Councillor Alan Clark

Councillor Michael Edwards

Councillor Rosemary Healy

Councillor Ginny Klein

Councillor Sally Longford

Councillor Eileen Morley

Councillor Wendy Smith

Councillor Malcolm Wood

Absent

Councillor Azad Choudhry

Councillor Gul Nawaz Khan

Councillor Roger Steel

**34 APOLOGIES FOR ABSENCE**

Councillor Choudhry

Councillor Khan

Councillor Steel

**35 DECLARATIONS OF INTERESTS**

None.

**36 MINUTES**

The Committee confirmed the minutes of the meeting held on 17 September 2014 as a correct record and they were signed by the Chair.

**37 NCV GARAGE, HUCKNALL ROAD**

Due to his arriving after the start of consideration of this item, Councillor Chapman took no part in the discussion or vote.

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/01791/PFUL3,

submitted by DSP Architects on behalf of Aldi Stores Limited and NCV Properties Limited, for the erection, following demolition of the existing building, of a new single-storey, 1,782 square metre food retail store, with associated 120 car parking spaces, servicing and landscaping.

Further to the report, Mr Poole stated the following:

(1) receipt of a letter from a resident of Bulwell, objecting to the proposal for the following reasons:

- it will spoil the environment of Bulwell Forest;
- it will increase traffic and cause delays at the junction of Kersall Drive and Hucknall Road;
- there are other stores in the vicinity so another one is not needed and will take trade from them;

(in response it was stated that the comments raised by the objector are covered in the report and by the additional Highway Authority comments below);

(2) additional Highway Authority comments as follows:

- the provision of a ghost island right-hand turn facility as part of the access arrangements for the new ALDI store on Hucknall Road is to enable any vehicles wishing to enter the site from the north to be safely accommodated beyond the main through flow on the A611 Hucknall Road, so that no undue delay is caused on the strategic road network. This facility is not considered to have a significant impact upon the operation of Hucknall Road and Kersall Drive and it is envisaged that it may actually assist right turners exiting Kersall Drive as a greater number of gaps may be created as a result of the altered traffic movements further north of the ALDI access;
- the Highway Authority are aware that there has been a longstanding desire to improve the junction, in particular to assist the number 17 bus turning right out onto Hucknall Road and this is something which has been looked at by a number of officers over the past decade. However, to ask ALDI to undertake mitigation at the junction is considered unreasonable, because it is an existing issue and it is considered that the impact upon which the introduction of ALDI at the NCV Car Sales site will have on this junction is negligible. Supermarkets are well known to generate little 'new' traffic and future ALDI customers will already be shopping elsewhere and so the bulk of the traffic which will be attracted to ALDI will be either already passing by on the Hucknall Road, diverting from another supermarket elsewhere or linking their trip to ALDI with something else;
- the Highway Authority queries whether a revised junction arrangement can be achieved without significant land take and/or increased delay and queuing along the Hucknall Road strategic corridor;

(3) the applicant has clarified that the relocation of NCV Sales and G&M Motors is to be to a site in Burton Joyce.

## RESOLVED

- (1) to grant planning permission subject to:
  - (a) the indicative conditions substantially in the form of those listed in the draft decision notice;
  - (b) an additional condition requiring submission of further details for the boundary treatment of the scheme to be submitted for the approval of the Planning Authority;
- (2) to delegate authority to the Head of Development Management and Regeneration to determine the final details of the conditions, including the additional condition at (b) above.

**38 SITES AT SAFFRON GARDENS, BEARDSLEY GARDENS, FORMER CROMARTY COURT, MIDDLE FURLONG GARDENS, TARBERT CLOSE AND BOSWORTH WALK**

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/02092/PFUL3, submitted by Arcus Consulting LLP on behalf of Nottingham City Homes, for the redevelopment of four sites, comprising a total of fifty four new dwellings, following demolition of the existing buildings, as follows:

### Site A

Proposed extension of the existing cul de sac serving Saffron Gardens to link it to Beardsley Gardens, and comprising street frontage development which would be accessed from the new road and from the existing roads serving Crammond Close and Rislely Drive. The dwellings proposed comprise six bungalows and twenty eight two-storey primarily semi-detached houses. Each dwelling would have one in-plot car parking space either at the side or the front of the house. The new road proposed as part of the scheme also provides the opportunity for some of the existing properties on Crammond Close to be provided with an in-plot car parking space.

### Site B

Middle Furlong Gardens would comprise three bungalows and a pair of semi-detached two-storey houses. Each dwelling would have one in-plot car parking space at the front of the house.

### Site C

Tarbert Close would comprise two pairs of semi-detached houses and a terrace of three, all of two-storey. Five of the dwellings would have in-plot car parking at the front of the house. The remaining two dwellings would have the use of a small parking area to be constructed at the head of the existing cul de sac.

### Site D

Proposed creation of a new length of highway connecting Thrumpton Drive and Ainsworth Drive, with a 'Home Zone' type treatment which, by its design and choice of materials, would ensure that priority is given to pedestrians and cyclists. A terrace of eight two-storey houses is proposed, each of which would have in-plot car parking located at the front, accessed from the new length of road.

Further to the report, Mr Percival stated that the following additional consultation comments have been received (including his response as necessary):

(1) Nottingham Local Access Forum

Express concern that the application lacks clarity on the impact the proposed redevelopment will have on the wider public rights of way network and that the northern part of Bosworth Walk is to be replaced by a shared use highway.

Consider that without a clear justification of this proposal, it seems to be an expediency rather than a clearly thought out improvement to the layout and it would have been helpful to have more reasoning behind the proposal included in the application;

*Response: The proposals for Bosworth Walk have been carefully considered and the design developed to give priority to pedestrians and cyclists. Further detailed design work will take place which will ensure that the network of public rights of way is not undermined;*

(2) Environment Agency

No objections in principle subject to conditions being imposed relating to the height of the finished floor levels, flood resilience, surface water drainage scheme (based upon sustainable drainage principles) and contamination;

*Response: the following additional condition is required to address the Environment Agency comments:*

*'The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) "Meadows Site, Nottingham", Report Reference: 14078b/FRA/1 version 3, compiled by RWD Associates on 26/08/2014 and the following mitigation measures detailed within the FRA:*

- (1) Finished floor levels are set no lower than 230mm above the 100 year plus climate change flood event;*
- (2) Incorporating the flood resilience techniques as described in section 7.0 of the submitted FRA;*

*The mitigation measures shall be implemented prior to occupation and subsequently in accordance with the phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority;*

Reason

*To reduce the risk of flooding to the proposed development and future occupants and to reduce the consequence of flooding and facilitate a quicker recovery in the event of a flood in accordance with Local Plan policy NE10.'*

*The recommendations relating to surface water drainage and contamination are already addressed in the draft decision notice;*

(3) Heritage and Urban Design

The scheme goes some way to help achieve the aim of creating safer neighbourhoods, with improved links to adjacent facilities and neighbourhoods;

Wherever possible, front doors and parking bays to the new houses and bungalows address the street and main pedestrian routes, creating activity and informal surveillance, contributing to a safer place;

The proposed opening of Bosworth Walk has been designed to give pedestrian and cycling priority, with reduced vehicular speeds, to help create a more legible, coherent street pattern, as well as ensuring the area is not used for 'rat running'. The use of the street will be monitored to ensure the design achieves its aims of creating a place for people and is not dominated by traffic. However, retrofitting of bollards and street furniture is possible if further traffic calming is necessary;

Dwarf walls and railings, together with contemporary houses, built mostly from brick, will ensure the design quality is of the high standard expected throughout the new build programme;

The scheme is aspirational and sets the standard for transforming the neighbourhood;

(4) Police Architectural Liaison Officer

Following some modifications to the proposals, is now satisfied that the proposals should meet 'Secured by Design' accreditation, subject to the final details of the type of enclosure and any gates.

With regard to the proposed design of the length of Bosworth Walk, between Thrumpton Drive and Ainsworth Drive, some concerns remain that this could become a shortcut through the estate, but understands the reasoning for this; advises that the design needs to ensure vehicles are 'inconvenienced' and made to slow down when travelling through this area; advises that there may be need for review if there are any issues with vehicles in this location in the future;

The rear of the new homes proposed on Bosworth Walk is a footpath and this should be closed with lockable gates for residents' use only;

*Response: The comments regarding the possibility of road safety issues arising from through traffic using Bosworth Walk are noted. The design has been developed to ensure that vehicle speeds are minimised and to provide a segregated safe route for cyclists and pedestrians and the intention is to monitor. The comments regarding the rear of the properties on Bosworth Walk are addressed by condition;*

- (5) The Flood Risk Assessment has identified that all the dwellings must have a finished floor level of 25.68AOD and this has necessitated the raising of the level of some of the properties;

The maximum change in level above existing ground level is 780mm, which necessitates the introduction of four steps. This applies to two properties only and most others only need a step of 150mm up to the threshold;

All the affected properties will have an alternative accessible route into the house at the rear;

A revised site plan and elevations have been submitted and the occupiers adjacent to the affected properties have been re-consulted. The expiry date for comments is 4 November 2014.

*Response: The information submitted, illustrating the impact of the need to achieve a finished floor level in all properties of 25.68m AOD, satisfactorily demonstrates that this can be accommodated without adversely impacting upon the amenity of nearby residents or the streetscene. However, as a result of the need to re-consult nearby residents on the changes to the finished floor levels, and as a final response from the Environment Agency is awaited, there is a need for the recommendation in the report to be amended to read as follows:*

*'GRANT PLANNING PERMISSION for the reasons set out in this report, subject to:*

- (i) the expiry of the re-consultation period on 4 November 2014 and subject to the receipt of no representations raising material issues or objections that have not been addressed in this report;*
- (ii) the conditions substantially in the form listed in the draft decision notice in the report;*

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

During discussion, the Committee made the following comments:

- generally welcomed this improvement in housing quality, but raised a couple of detailed queries about the enclosure to the Bosworth Walk units and why the 'sunpipe chimneys' weren't on all of the units;



- liked the design of the dwellings but requested some variation for future NCH schemes;
- challenged the perceived wisdom of opening up vehicular access to the Bosworth Walk section and while it recognised the efforts that had gone into consultation and developing this proposal, it wanted assurance that the Council could revert to a closed route if problems arose;
- raised doubt about the whether the 'homezone' of Bosworth Walk would be successful and expressed concern about this being two way;

A motion was put forward to defer approval of the Bosworth Walk element of the scheme, for better particulars of matters dealing with vehicular and pedestrian access and permeability to be submitted for written approval of the Planning Authority and a final condition dealing with this matter to be approved by the Head of Development Management and Regeneration after consultation with Chair, Vice-Chair and Opposition Spokesperson but, after further discussion, it was agreed to amend the recommendation to reflect this concern (see resolution (1)(iv) below).

**RESOLVED to**

**(1) grant planning permission subject to:**

- (i) no representations raising material issues or objections which have not been addressed in the report being received prior to the expiry of the re-consultation period on 4 November 2014;**
  - (ii) the conditions substantially in the form listed in the draft decision notice;**
  - (iii) an additional condition as requested by the Environment Agency to address flood risk in the form set out above;**
  - (iv) a further additional condition requiring additional details of the Bosworth Walk element of the scheme (Site D) to be submitted for the approval of the LPA, to address vehicular and pedestrian access and permeability.**
- (2) delegate authority to determine the final details of the conditions at (ii) and (iii) above to the Head of Development Management and Regeneration;**
  - (3) delegate authority to determine the final details of the condition at (iv) above to the Head of Development Management and Regeneration after prior consultation with the Chair, Vice Chair and Councillor Edwards (in his capacity as local ward Councillor).**

**39 31 CURZON STREET AND 24-34 ST MARKS STREET**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/01925/PFUL3,

submitted by GMA Architecture Limited on behalf of Globalcove Limited, for the erection, following demolition of existing buildings, of a new seven-storey student accommodation.

It was stated that the proposed development includes:

- meeting rooms, games rooms, a cinema room, a prayer room, a squash court and a gym;
- a reception space at the upper ground floor level, which is raised above street level, plus student accommodation at this level and on four floors above;
- a total of 198 studio bedrooms, comprising 178 single rooms and 20 double rooms;
- kitchen facilities within each studio bedroom;
- large communal lounges and kitchen/dining rooms at each level;
- a lift serving all floors.

During discussion, the following comments were made:

- generally the scheme was welcomed;
- pleased to see the application reflected the developers awareness of the need to deal effectively with student management and, in particular, their arrival and drop-off arrangements at the beginning and end of term;
- endorse the high quality of the design, but raised concern that the Planning Authority monitors the continuing policy justification for such uses. Acutely aware of the need to build balanced communities that continue to promote the vitality of the City, especially during academic term recess periods.

## **RESOLVED**

**(1) to grant planning permission, subject to:**

- (a) prior completion of a Section 106 Planning Obligation, including a financial contribution of £79,724.70 towards the upgrade or improvement of open space or public realm within the city centre and inclusion of 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;**

**(2) to delegate authority to the Head of Development Management and Regeneration to determine the final details of both the terms of the**

**Section 106 Planning Obligation and the conditions of the planning permission;**

- (3) that Councillors are 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.**

**40 2-28 AND 179-217 CRANWELL ROAD - SITE OF**

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/01934/PFUL3, submitted by Arcus Consulting LLP on behalf of Nottingham City Homes, for the redevelopment of two sites on Cranwell Road, comprising a total of twenty new dwellings, following demolition of the existing buildings, as follows:

East site

A block of two-storey, one-bed apartments on the eastern side, including pedestrian access to the flats from four different points, with each entrance door serving no more than two flats. The area at the rear of the apartments is proposed to be private rear gardens for the ground floor apartments.

West site

Eight two-storey, semi-detached houses which will form a street frontage development on the eastern side of Cranwell Road. Each of the houses on the west site includes at least one in-plot parking space, either at the front or the side of the dwelling. The apartment block has communal parking for five vehicles on the south side of the site and there will be some additional parking in a lay-by alongside Cranwell Road, adjacent to the flats. Secure cycle storage facilities will be provided for all dwellings.

Mr Percival stated that further to the report, the following comments from Heritage and Urban Design had been received:

- the scheme has been redesigned so as to address the street to a greater degree and the parking and public space is now a more satisfactory solution;
- the change of levels between the street and the site create difficulties in achieving a secure entrance which addresses the street, this has now been achieved without the need for 'bridging over';
- the proposed front garden areas, despite being below street level, are of an appropriate size to encourage their use by the occupiers of the ground floor units;
- the combination of brick, stone and render has helped to produce interesting elevations, but larger windows are essential to not only add more interest but to maximise the internal natural light.

During discussion, the following comments were made:

- queries over the means of enclosure to the front of the houses and that it needs to be comprehensive and robust;
- queries whether the bin storage, currently to the rear of the buildings, could be relocated to the dwellings' front gardens;
- request that ward councillors be kept informed about the details being approved, by condition, in relation to the two items above.

**RESOLVED**

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

WARDS AFFECTED: Dales

Item No:

**PLANNING COMMITTEE**  
**19th November 2014**

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Site Of Society Linen And Electricity Substation, Daleside Road**

**1 SUMMARY**

Application No: 14/01140/POUT for outline planning permission

Application by: Signet Planning Limited on behalf of Cedar House Investments

Proposal: Development of foodstore (Class A1) of 1,694 sq.m. gross, together with other retail units (Class A1) of 2,787 sq.m. in total; restaurant building (Class A3) of 186 sq.m.; employment/ancillary use building (Class B1/Class D1) of 311 sq.m.; 235 car parking spaces; access; public realm and strategic landscaping. (Revised foodstore floorspace/plan)  
Appearance reserved for restaurant and employment/ancillary use building. Details of landscaping reserved across site as a whole (Hybrid application for full/outline permission).

The application is brought back to Committee because the applicant is seeking to make amendments to a proposed development, previously considered by the Committee, prior to a decision being issued. It is considered that the proposed changes, whilst minor, are more than 'non-material' and require approval by the Committee.

To meet the Council's Performance Targets this application should have been determined by 19th August 2014

**2 RECOMMENDATIONS**

2.1 Accept the substituted plans and amended description of the development, as set out in this report:

2.2 **GRANT PLANNING PERMISSION** for the amended application for the reasons set out in this report, subject to:

(a) prior completion of a Section 106 planning obligation which shall include a financial contribution of £60,000 towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.

(b) indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report; and

2.3 Rescind the resolution of the Committee on 20 August 2014 to grant planning permission for the original development (minute19);

- 2.4 Delegate power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to the Head of Development Management and Regeneration;
- 2.5 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

### **3 BACKGROUND**

- 3.1 Committee resolved to grant outline planning permission for the proposed development on 20 August 2014, subject to the prior completion of a S106 planning obligation. This decision is still pending.
- 3.2 The report to the previous Committee is appended and contains the assessment of the proposed development. This is to be considered in conjunction with this report on the proposed amendment to the application description. The local planning authority has discretion as to whether to accept amendments to the application prior to the planning permission being issued.

### **4 DETAILS OF THE PROPOSAL**

- 4.1 The applicant has submitted a request to vary the floorspace of the primary retail block, stating that the intended operator (Aldi) has a requirement for a slightly larger store. The proposal is for an increase in size of 160sq.m gross floorspace (120sq.m net), which is accommodated by extending the length of the block at either end. It is advised that the increase is intended to provide greater circulation space for shoppers and is not intended to increase the number of product lines sold. The layout of the remainder of the site, including the position and size of the other buildings and the number of parking spaces, is unchanged.

### **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

#### **Adjoining occupiers consulted:**

Neighbouring properties and businesses have been consulted on the proposed revision. Respondents to the previous consultation have also been advised. Site notices have been posted. The further consultation period expired on 3 November 2014.

#### **Additional consultation letters sent to:**

**Planning Policy:** The amendments sought, particularly the marginal size increase of the food store, are considered to be minor there are no further comments in this regard.

**Pollution Control:**

**Highways:** No objections subject to conditions.

**Environment Agency:** No further comments.

**Nottingham Civic Society:** The amendments make no improvement to the scheme which continues to be a lost opportunity to create some townscape in the Waterside Regeneration Area that the Council could be proud of. Daleside Road will continue to lack any coherent urban form and will continue to inconvenience pedestrian potential shoppers in this car-dominated layout.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **Nottingham Local Plan (November 2005):**

S5 - Retail development, Edge/Outside Centres.

MU7 - Waterside Regeneration Zone Sites.

E4 - Previously Used Employment Sites.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T2 - Planning Obligations and Conditions.

T3 - Car, Cycle and Servicing Parking.

### **Aligned Core Strategy (September 2014)**

Policy 4 – Employment Provision and Economic Development.

Policy 7 - Regeneration.

Policy 10 – Design and Enhancing Local Identity.

The Aligned Core Strategy has been adopted since Committee's previous resolution to grant outline planning permission on 20 August 2014. Whilst Local Plan Policies ST2, ST4, MU6, BE1, BE2, BE3 and BE4 have now been superseded by the above Core Strategy Policies it is considered that the new policies do not introduce any additional matters that impact upon the previous appraisal or above recommendations.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

- 7.1 It is considered that the limited increase in proposed floorspace does not raise any issues that have not been addressed in the previous report to Committee on 20 August 2014. Planning Policy have previously advised that any potential impacts, particularly on the city centre, are considered likely to be minimal and have no further comments in response to the minor nature of the varied proposal.
- 7.2 In its design, the extension of the length of the principal (Aldi) block at either end is accommodated without any significant impact on the layout of the proposed development and does not affect its relationship to its neighbouring residential properties. The presence of the building on Daleside Road would be marginally increased and this would be positive to the street scene. Access to the building is not affected and space for forecourt hard and soft landscaping is retained.

**8. SUSTAINABILITY / BIODIVERSITY**

Refer to previous report

**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**

Refer to previous report.

**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: 14/01140/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N5JY68LYCB000>

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Planning Policy, 22.10.14

Highways, 29.10.14

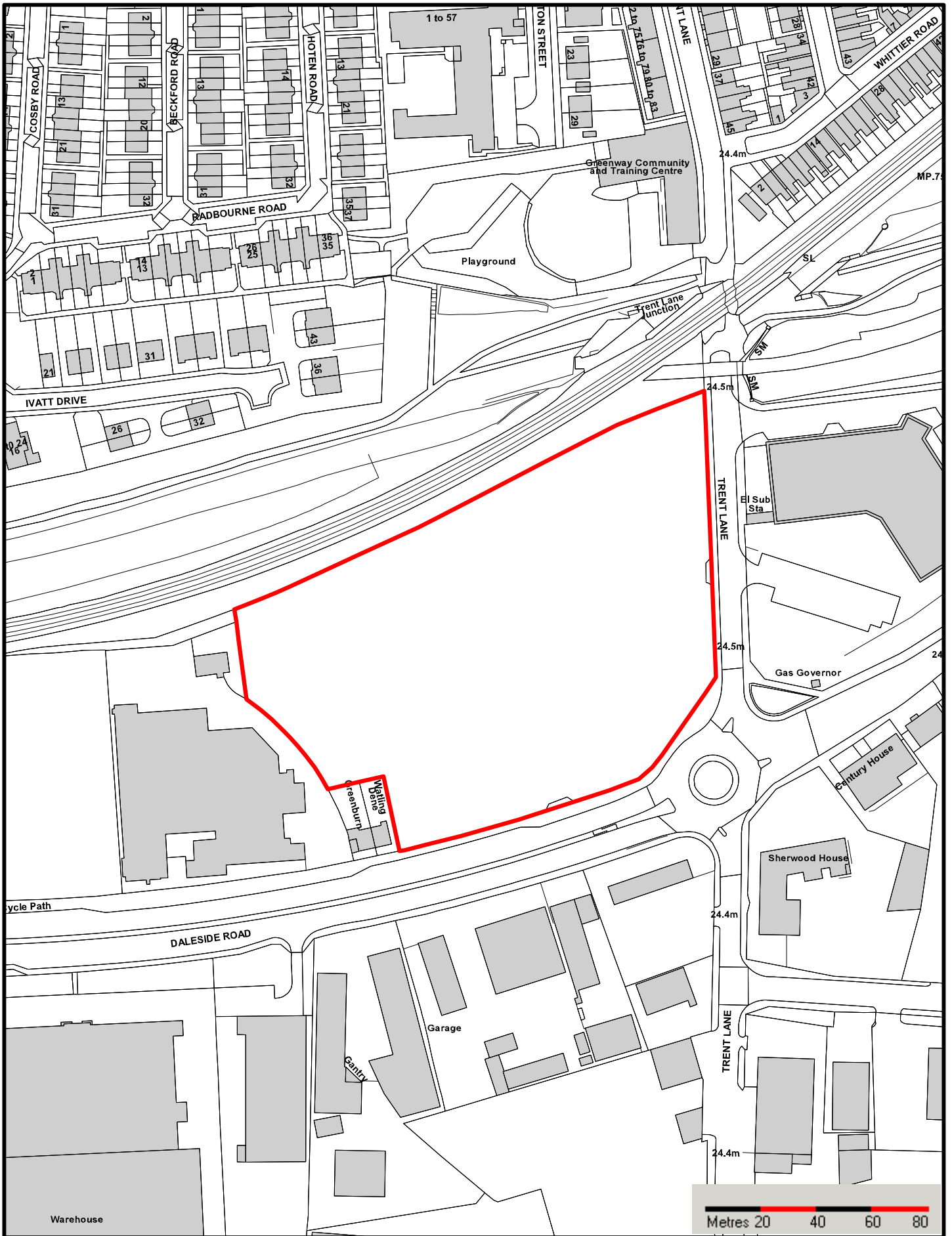
Environment Agency, 21.10.14

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

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





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**My Ref:** 14/01140/POUT (PP-03236446)

**Your Ref:**

**Contact:** Mr Jim Rae

**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Signet Planning Limited  
Mr Simon Chadwick  
Signet Planning Limited  
Rowe House  
10 East Parade  
Harrogate  
North Yorkshire  
HG1 5LT

Date of decision:

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

Application No: 14/01140/POUT (PP-03236446)  
Application by: Cedar House Investments  
Location: Site Of Society Linen And Electricity Substation, Daleside Road, Nottingham  
Proposal: Development of foodstore (Class A1) of 1,531 sq.m. gross, together with other retail units (Class A1) of 2,787 sq.m. in total; restaurant building (Class A3) of 186 sq.m.; employment/ancillary use building (Class B1/Class D1) of 311 sq.m.; 235 car parking spaces; access; public realm and strategic landscaping. Appearance reserved for restaurant and employment/ancillary use building. Details of landscaping reserved across site as a whole (Hybrid application for full/outline permission)

Nottingham City Council as Local Planning Authority hereby **GRANTS OUTLINE 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.*

2. Application for the appearance of the restaurant and employment/ancillary use buildings shall be made to the Local Planning Authority 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.*

3. The restaurant and employment/ancillary use buildings shall be begun before the expiration of



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**DRAFT ONLY**

**Not for issue**

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Continued...

two years from the date of approval of the last of the reserved matters to be approved.

*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)

4. The development of each building shall not commence until a Construction Management Plan for that building has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall provide for:

1. Details of temporary site entrances for construction traffic purposes.
2. Provision to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.
3. Adequate precaution to prevent the deposit of mud and other similar debris on the adjacent public highways.

The Construction Management Plan for each phase of development shall be implemented in accordance with the approved details.

*Reason: In the interests of highway safety and the amenity of surrounding occupants and in accordance with Policy T3 of the Nottingham Local Plan.*

5. The development of each building shall not commence until details of the external materials of that building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.*

6. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until details of all hard surface treatments within the site, including the roads, foot/cycle paths and parking areas, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.*

7. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

*Reason: In the interests of the appearance of the development in accordance with Policies BE5 and NE5 of the Local Plan.*

8. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the phase of development to which it relates is completed.

*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Nottingham Local Plan.*

Note: Please refer to Informative 3 for further information on what should be included within these submissions.

9. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until such time as a scheme to install oil and petrol interceptors has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

*Reason: To reduce the risk of pollution in accordance with Policy NE10 of the Nottingham Local Plan*

10. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

*Reason: To reduce the risk of surface water pollution in accordance with Policy NE10 of the Nottingham Local Plan.*

11. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and be approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified:

i) all previous site uses

ii) the nature and extent of potential contaminants associated with those uses

iii) the underlying geology of the site

iv) a conceptual model of the site indicating sources, pathways and receptors

v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.

2. A Site Investigation, based on 1. above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. A Remediation Strategy, based on 1. and 2. above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

4. A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in 3. above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.*

12. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until an environmental noise assessment and sound insulation scheme has been submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not to exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

*Reason: In the interests of the amenity of the occupants of neighbouring development and in accordance with Policy NE9 of the Nottingham Local Plan.*

**Pre-occupation conditions**

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





13. No individual unit within the approved development shall be occupied until the following has been submitted to and approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

*Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.*

14. No individual unit within the approved development shall be occupied until written verification that the approved mechanical services plant or equipment (including any air handling plant) specified to serve that individual unit, including any mitigation measures, has been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the amenity of the occupants of neighbouring development and in accordance with Policy NE9 of the Nottingham Local Plan.*

**Regulatory/ongoing conditions**  
 (Conditions relating to the subsequent use of the development and other regulatory matters)

15. Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes Order 1987 (as amended or any re-enactment thereof), no more than 15% of the net sales area of the retail foodstore hereby approved shall be used for the sale of comparison goods.

*Reason: To avoid prejudice to the vitality and viability of shops within nearby town and local centres.*

16. With the exception of the approved retail foodstore unit, no other unit within the approved development shall be altered or combined with any adjacent unit to form an altered or combined size in excess of 750 sq.m. of gross floorspace.

*Reason: In order that the size of retail units do not have an impact on defined retail areas of the city, including the city centre, and to ensure that a range of retail units are maintained in the interests of the contribution that the approved development will make to the Waterside Regeneration Zone.*

17. A minimum of five retail units shall be maintained within the approved block of retail units that are located to the rear of the site (2,787 sq.m. in total).

*Reason: In order to ensure that a minimum number of retail units are maintained within the approved development in the interests of the contribution that the approved development will make to the Waterside Regeneration Zone.*

18. The approved landscaping scheme for each phase of the approved development shall be carried out in the first planting and seeding seasons following the occupation or completion of the development of that phase, whichever is the sooner, and 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



**DRAFT ONLY**

**Not for issue**

Continued...

Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE5 of the Nottingham 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 20 May 2014.

*Reason: To determine the scope of this permission.*

### **Informatives**

1. 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.

2. 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.

3. Condition 8 requires the submission of details of a surface water drainage scheme for each phase of development. It is advised that the submitted scheme should include the following information:

1. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.

2. Limit the discharge rate generated by all rainfall events up to and including the 100 year critical storm plus an appropriate allowance for climate change to 30% betterment than the estimated Brownfield runoff rate. In an email from BWB Consulting to the Environment Agency on the 1st July 2014 an average rainfall intensity of 37.2mm/hr was agreed and therefore based on the parameters highlighted in the FRA the surface water discharged from the site shall be limited to no greater than 76.0 l/s.

3. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.

4. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

5. Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Note:

1. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
2. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
3. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.
4. The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

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 required 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 shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

5. The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.



The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

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: 14/01140/POUT (PP-03236446)

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](http://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**

**Site Of Society Linen And Electricity Substation, Daleside Road**

**1 SUMMARY**

Application No: 14/01140/POUT for outline planning permission

Application by: Signet Planning Limited on behalf of Cedar House Investments

Proposal: Development of foodstore (Class A1) of 1,531 sq.m. gross, together with other retail units (Class A1) of 2,787 sq.m. in total; restaurant building (Class A3) of 186 sq.m.; employment/ancillary use building (Class B1/Class D1) of 311 sq.m.; 235 car parking spaces; access; public realm and strategic landscaping. Appearance reserved for restaurant and employment/ancillary use building. Details of landscaping reserved across site as a whole (Hybrid application for full/outline permission).

The application is brought to Committee because it is a proposal for a major development in the Waterside Regeneration Zone and raises important issues in relation to its local and wider context.

To meet the Council's Performance Targets this application should have been determined by 19th August 2014

**2 RECOMMENDATIONS**

1. **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

- (a) prior completion of a Section 106 Planning Obligation which shall include:
  - i) a financial contribution of £60,000 towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.
- (b) indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission be delegated to the Head of Development Management and Regeneration.

2. That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind

to the development.

### **3 BACKGROUND**

- 3.1 This is a 1.8 ha cleared site of the former Sunlight laundry located on the north-western side of the roundabout junction of Daleside Road A612 with Trent Lane. Following demolition of the former buildings in 2008, the heavily contaminated site was remediated by the applicants.
- 3.2 Neighbouring properties on the northern side of Daleside Road are predominantly in industrial and warehouse use, but there is a pair of two storey semi-detached houses adjoining the application site boundary to the west on Daleside Road. There is another large cleared site further to the west. Virgin Media's offices and depot are located on the north-eastern side of the roundabout and front onto Daleside Road. The frontages to the southern side of Daleside Road comprise a variety of commercial uses including equipment hire, various manufacturing and metal fabrication premises, electrical contractors and a café and car sales site. The Sneinton Greenway runs east-west on a former embankment immediately to the north of the site and the railway line from Nottingham to Grantham and Newark runs immediately to the north of and parallel to it. The Greenway Community Centre lies on the western side of Trent Lane to the north of the railway.
- 3.3 Pedestrian access northwards along Trent Lane and into Sneinton is via a bridge arch beneath the elevated Greenway and across a pedestrian bridge recently provided by Network Rail, which removed the previous level crossing.

### **4 DETAILS OF THE PROPOSAL**

#### Proposed Development

- 4.1 The submission is a hybrid application, meaning one that seeks full planning permission for part of a site and outline planning permission for the remaining part. In this instance the full submission element is for a proposed Aldi foodstore and other Class A1 retail units and the outline element is for the proposed restaurant and employment/ancillary use buildings.
- 4.2 The layout of the proposed development is in two principal blocks. The proposed Aldi foodstore is positioned to the west of the site, perpendicular to Daleside Road and with its primary elevation facing towards the proposed car park. The proposed retail units (five) are in a single block to the rear of the site again with their primary elevation facing towards the proposed car park. The proposed employment/ancillary use building is positioned at the eastern end of the proposed retail units and next to Trent Lane. The proposed restaurant building is positioned proximate to the corner of the site at the roundabout junction between Daleside Road and Trent Lane.
- 4.3 Access to the 235 space car park of proposed development would be off Trent Lane, with a second independent access also being provided off Trent Lane for service vehicles. Servicing would be carried out to the rear of the proposed retail buildings, including a goods vehicle turning area and staff parking spaces to the north-west corner of the site.
- 4.4 Areas of hard and soft landscaping are to be provided primarily around the

perimeter of the site. Pedestrian routes are included across the frontages of the retail units and through the car park area.

### Planning History

- 4.5 The application site has a recent and relevant planning history. Outline Planning Permission was first granted on 6 May 2011 for the erection of a new convenience goods store, Class A1 retail, Class A3 restaurant/cafe uses and Class B1 uses and car parking (10/00457/POUT). Permission to vary a condition of this consent was also granted on 7 October 2011 (11/01661/PVAR3) and provided scope for the convenience goods store to be developed and used without the associated development of the approved Class B1 offices. This varied consent is a new Outline Planning Permission in its own right and remains extant until 7 October 2014.
- 4.6 The assessment and recommendation on the original application was very finely balanced in terms of its planning policy implications and whether it would deliver local regeneration benefits. There was particular concern that the proposed convenience store would not meet the needs of existing communities or those yet to be established, but would instead function as an out of centre superstore attracting mainly passing car-borne trade using Daleside Road. Balancing this was the prospect that the primary retail development of the site could provide the catalyst for investment that this part of the Waterside Regeneration Area needs and that the package of s106 benefits would help to overcome the issues of accessibility to local residents presented by the site..
- 4.7 The applicant has advised that the site has been on the market for the period since Outline Planning Permission was first granted. However, it has not been capable of being delivered given the economic downturn and lack of large foodstore operators being interested.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

- 5.1 Following the format of the previous applications, there has been extensive consultation on the application. A total of 479 individual neighbour letters have been issued, advising residents and businesses of the application submission. Site and press notices have also been posted. The following responses have been received:
- 5.2 **Nathaniel Lichfield & Partners on behalf of Intu Properties plc:** The application site is in an out-of-centre location as indicated within the NPPF. Out of centre retail development must not have a significant adverse impact upon the vitality and viability of Nottingham City Centre and upon planned investment in the City Centre. Our client is concerned about the implications of these application proposals upon planned investment at intu Victoria Centre and intu Broadmarsh.

Intu is concerned that the size of the proposed five open A1 units, which range between 465 – 743 sq.m, could attract comparison retailers resulting in an adverse impact on the City Centre. It is likely these units will be occupied by national multiple comparison goods retailers, which should be located within the City Centre, in accordance with the sequential approach.

In relation to convenience floorspace, the application seeks open A1 permission for

the five units, although states that it is likely these will be taken by non-food operators. The convenience goods impact assessment does not include this floorspace. The impact assessment is therefore flawed and needs to be reviewed.

Following the review of a robust impact and sequential assessment that meets the requirements of the NPPF, if the Council decided to recommend approval we request that conditions are attached to limit the size of retail units to a maximum of 300 sq.m gross internal floor area in order to avoid prejudice to the vitality and viability of defined centres. It is also requested that the net sales area of the foodstore be limited to 1,125 sq.m including any floorspace provided through mezzanine floors, and that the sale of comparison goods be limited to no more than 30% of the net sales area of the foodstore.

- 5.3 **Chair of River Crescent Residents Association:** Support proposal. In order to help achieve the City Council's objectives for the realisation of the long awaited Waterside Regeneration, It is essential to provide the amenities of a food store, restaurant and retail units within walking distance of the existing and proposed housing developments in this important regeneration area.
- 5.4 **Tenant of River Crescent apartments:** Support proposed supermarket and other businesses.

**Additional consultation letters sent to:**

- 5.5 **Planning Policy:** This application primarily proposes out of centre retail in the Waterside Regeneration Zone as defined in the Local Plan. Policies S5 'New retail development on the edge of or outside existing centres' and MU6 'Waterside Regeneration Zone' are therefore of particular relevance. In the emerging Local Plan (LAPP), the site is allocated (LA67) and provisionally considered suitable for A1 retail, B1 office and A3 restaurant café uses.

In 2011, outline planning permission (ref: 10/00457/POUT) was granted for a 3588sqm new convenience goods store, 766sqm A1 retail/A3 restaurant/cafe uses and 1865sqm B1 office uses. It is acknowledged that the current proposal, whilst of similar retail floor space quantum, is materially different by way of provision (comparison and convenience shopping mix) and layout.

The sequential and impact assessments submitted accord with NPPF requirements. It is considered that there are no alternative sequentially preferable sites available and any potential impacts, particularly on the city centre are likely to be minimal.

In accordance with policies MU6 and S5, it is considered that the development would assist in enabling wider regeneration aims and redevelopment of brownfield sites for a variety of uses, providing a valued contribution to the Waterside Regeneration Area. The recent planning permission for Trent Basin is also noted, as is support for the scheme from occupants at River Crescent. It is considered that the food store element of the proposal would provide for and serve the local area, a requirement identified in the Waterside Interim Planning Guidance.

Paragraph 3.7 of the Retail and Economic Assessment notes that the 'supporting retail floorspace of 2,787 sqm gross to accommodate a minimum of five retail units ranging in size from between 465 sqm and 743 sqm gross'. In view of the above, this is considered acceptable subject to planning conditions to reflect the layout as

submitted, to ensure the supporting retail provision remains in this role.

- 5.6 **Highways:** No objection subject to revisions to layout. It is requested that the number of accesses onto Trent Lane be reduced in order to control traffic flows and ensuring highway safety. Details of the car park access should also provide greater pedestrian provision. East-west pedestrian movement through the car park could be improved. Construction Traffic Management Plans will be required for each phase of the development. Drainage details incorporating SUDS techniques are also required.
- 5.7 **Pollution Control:** Note the history of previous decontamination of the site. Advise that the applicant should provide information regarding the current condition of the site in order to confirm the need or otherwise for contaminated land and gas conditions. Recommend condition to require a noise management plan in relation to proposed Aldi store (Unit G) given adjacency to nearest residential properties. Also recommend that operating and servicing times for the development should be conditioned.
- 5.8 **Environment Agency:** No objection subject to conditions relating to surface water drainage and mitigation of risk of surface water pollution.
- 5.9 **Nottingham Regeneration Limited:** Support. For several years NRL has been seeking to promote the redevelopment of Nottingham Waterside and Trent Basin in particular. River Crescent has just secured its future and development is about to start at Trent Lane. Both these schemes and other residential developments that will come forward will require access to local services, including a small food store, which are not currently present within the area. It was previously accepted that the proposed local centre would be better located at the application site and as such the current proposal is consistent with that policy aspiration, particularly if developed alongside complementary restaurant and employment/ancillary uses. As such NRL is supportive of the proposal in principle and we trust that the applicant can be encouraged to proceed with the development as soon as possible in order provide the confidence to the residential developers within the area.
- 5.10 **Network Rail:** No objection subject to requirements that site drains away from railway infrastructure and works are carried out in a manner that does not endanger safe operation of railway. A trespass proof fence must be provided adjacent to Network Rail's boundary. Details of landscaping and lighting should be carefully considered in relation to railway operation. Recommend that these matters are conditions of any consent.
- 5.11 **Nottingham Civic Society:** Objection. Development claims to be a new Local Centre for Sneinton and Waterside but it makes no attempt in its design, to create a sense of place from the new buildings and spaces. The layout proposed represents an out-dated model of retail parks designed solely for the convenience of those arriving by car, resulting in townscape dominated by soulless car parks and large scale advertising as the only means of orientation. Instead, the shops should be sited to front the streets with entrances directly from Trent Lane and Daleside Road and with a significant building acting as a focal point positioned at the junction. The architectural language should reflect the different uses proposed. This would improve legibility by starting to give Daleside Road its own urban identity, demonstrating Nottingham's ambition for the wider regeneration of Waterside. Creative designers could provide appropriate public realm giving easy access to those arriving on foot, by public transport, by bike and by car. As proposed, the

layout makes approaching on foot an inconvenient or dangerous experience. No safe, direct route across the site to the supermarket is delineated. Pedestrians are expected to take the long walk around the car park or risk the direct line through manoeuvring parking traffic. The Civic Society considered that the layout should be reconsidered as it is currently unacceptable in terms of its urban design.

- 5.12 **Nottinghamshire Wildlife Trust:** Recommend measures are secured to enhance the biodiversity of the site. Consider gains could be achieved through landscaping. Would recommend bat and bird boxes are included on site. W also like to see inclusion of green or brown roofs.

## **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 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications.
- 6.3 Paragraphs 23 – 27 advise on the consideration of out-of-centre retail developments. Paragraph 24 requires the application of a sequential test 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. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 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.

### **Nottingham Local Plan (November 2005):**

ST2 - A Successful Economy.

ST4 - Integration of Planning and Transport

S5 - Retail development, Edge/Outside Centres.

MU6 - Waterside Regeneration Zone.

MU7 - Waterside Regeneration Zone Sites.



BE1 - Design Context in the Public Realm.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

E4 - Previously Used Employment Sites.

NE9 - Pollution

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T2 - Planning Obligations and Conditions

T3 - Car, Cycle and Servicing Parking.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues:**

- (i) Retail development of the site.
- (ii) Regeneration of the area.
- (iii) Layout and design.

### **(i) Retail development of the site (Policies ST2 and S5)**

- 7.1 The baseline for the consideration of the current application is the extant Outline Planning Permission, which provides for the development of the site including a large convenience goods store, other retail and office uses.
- 7.2 In granting Outline Planning Permission for a primarily retail/foodstore development, Committee was advised on local retail planning Policy S5 and national planning policy at that time (PPS4). Concern was noted that the proposed retail store may not meet the local shopping needs of existing communities or those yet to be established, and that the development could function instead as an out of centre superstore attracting mainly passing car-borne trade using Daleside Road. Consideration was also given to the implications for the ability to provide anchor food stores at both Victoria Centre and Broadmarsh, and that there could be an impact on existing local centres, particularly Sneinton Dale.
- 7.3 Balancing these concerns was the prospect that the primarily retail/foodstore development of the site would provide for the regeneration of a prominent site within the Waterside Regeneration Area and would help stimulate the residential development of proximate regeneration sites, including Trent Basin. A comprehensive package of regeneration benefits was also to be provided through S106, including environmental/public realm improvements; a pedestrian bridge over the railway; a shoplinc bus service for Sneinton residents; and local employment and training opportunities in the construction and operational phases of development.

- 7.4 The Committee report concluded that, although there were clear and significant planning policy concerns about the proposed development, on a very finely balanced assessment of the planning considerations it was considered that the proposal would provide an opportunity to progress regeneration in a difficult economic climate where other alternatives did not appear to be forthcoming.
- 7.5 The current application differs from the previous consent in the scale and format of development that is proposed. The proposed Aldi foodstore element is significantly smaller, 1,531 sq.m. compared to the previous 3,588 sq.m., and the proposed (five) retail units are cumulatively larger, 2,787 sq.m. compared to the previous 766 sq.m. In both cases the level of retail floorspace proposed has required sequential test and retail impact assessment in accordance with paragraphs 23 to 27 of the NPPF and Policy S5 of the Local Plan.
- 7.6 In relation to the sequential test, the application submission has considered alternative sites, including the current Local Plan allocations at Moreland Street and other vacant sites including the former Kwik Save building at Hermitage Square, vacant Co-op building on Carlton Road, and The Island Site off Manvers Street. This repeats the test that was applied to the previous consent and concludes that the site remains in the most sequentially preferable location that would serve the residents of Sneinton and future residential redevelopments in the Waterside Regeneration Area.
- 7.7 Planning Policy advise that the sequential and impact assessments submitted accord with NPPF requirements and concur that there are no alternative sequentially preferable sites available. It is also advised that any potential impacts, particularly on the city centre, are considered likely to be minimal. The emerging Local Plan (LAPP) has also allocated the site as being provisionally suitable for A1 retail, B1 office and A3 restaurant café uses.
- 7.8 Being significantly smaller than the previously approved foodstore, is considered that the proposed Aldi foodstore is consistent with the position that had been reached in determining the previous Outline Planning Permission. It is expected that foodstore will provide for the existing and emerging local need, and could act as a catalyst to help secure the desired regeneration of the Waterside area. With access to Sneinton already having been improved by the recent pedestrian bridge across the railway, it is also considered that the proposed Aldi foodstore will help to serve the needs of residents of this area.
- 7.9 The applicant advises that other proposed retail units are likely to be occupied by non-food/comparison good retailers and that an open Class A1 consent is being sought in order to provide maximum flexibility to attract future tenants. The applicant also advises that they intend to build at least two of the five illustrated retail units as phase 1 of the development with the rest of the units being phase 2.
- 7.10 The retail impact of the proposed development has assessed the type of retailers who would typically occupy units of the size proposed and who are represented in the 'local shopping centre' role that is intended. The comparison goods impact has also assumed that the scheme will comprise a minimum of five units and that, on this basis, concludes that the trading impact of the proposed units would have a minimal impact on other centres, including the city centre.
- 7.11 It is appreciated that the application illustrates the intent to provide five retail units

and that the development block has been purposefully configured for the units to be delivered in this way, giving a range of unit sizes of between 465 to 743 sq.m. However, it is considered that an open Class A1 consent could harm to the provision of comparison goods retailing within appropriately defined areas of the city including the city centre. More significantly, it is considered that an open Class A1 consent and potential future amalgamation of units could undermine the contribution that the proposed development would make to the regeneration of the area. It is appropriate that the regeneration benefits of the site are secured and, to this extent, it is recommended that conditions are attached to any consent requiring that a minimum of five retail units are provided and limiting the maximum size of any individual unit to 750 sq.m, which is also consistent with the applicant's stated intent that the development will create a new local centre for Sneinton and the adjacent Waterside area.

**(ii) Regeneration of the area** (Policies MU6 and MU7)

- 7.12 Policy MU6 of the Local Plan sets out the considerations that should contribute towards the creation of a vibrant mixed use riverside quarter in the Waterside Regeneration Zone. Policy MU7 identifies the key sites for development, including Site MU7.2, the 11.72 ha Trent Basin site located to the south of the site between Daleside Road and the river. The Waterside Regeneration Interim Planning Guidance also recognises that Daleside Road is a key route into the city from the east and its frontages offer potential for high quality redevelopment.
- 7.13 It is considered that the appropriate redevelopment of this vacant site in a prominent location could contribute towards the City's agenda for transforming neighbourhoods and providing opportunities for local employment. The key issue has been whether a retail development of the site would provide the appropriate impetus that the area needs for regeneration and investment.
- 7.14 The site has been remediated and has available for redevelopment for several years, and has been actively marketed for the development following the previous grant of Outline Planning Permission without success. The applicant has now secured Aldi for the foodstore element of the proposed development and there is now, therefore, a significant likelihood that the site will be developed upon any grant of consent.
- 7.15 Committee will also recall the recent grant of planning permission at Trent Basin and the prospect that this development will commence later this year, providing 41 new homes as part of the phased development of up to 160 dwelling on this site.
- 7.16 The provision of a pedestrian bridge crossing of the railway by Network Rail has also helped towards improving the safety and environment around the railway crossing and benefits pedestrian movement from Sneinton towards the application site and to future developments in the Waterside area.
- 7.17 It is in this context that the regeneration of the area can be viewed with much greater confidence than has previously been the case. It is, therefore, considered that the proposed development accords with Policies MU6, MU7 and the Waterside Regeneration Interim Planning Guidance.

**(iii) Layout and design** (Policies BE1, BE2 and BE3)

- 7.18 The layout of the proposed development provides an 'L-shaped' arrangement of

building blocks, with the proposed Aldi foodstore benefiting from being highly visible on the frontage of the site to Daleside Road. The other larger retail block sits back within the site behind the proposed central car parking area and also addresses Daleside Road. The smaller proposed restaurant building is placed adjacent to the roundabout and whilst being modest in size, will also benefit from being prominent at this position. The remaining employment/ancillary use building is positioned adjacent to Trent Lane and next to the access to the proposed car park and would have a good presence.

- 7.19 The principal access to the site is appropriately off Trent Lane, with a secondary service access to the rear between the retail blocks and the railway, ensuring that servicing is not a prominent aspect of the proposed layout.
- 7.20 Pedestrian accesses through the proposed layout are off Trent Lane and Daleside Road and provide a convenient route across the frontage of the retail units as well as offering an alternative route between Trent Lane and Daleside Road. A further alternative pedestrian route is also provided across the car park, which has been realigned to provide a more convenient access through the site. Trees have also been introduced into the car park area to break up the extent of hard surfacing and to improve the amenity of the pedestrian routes.
- 7.21 Perimeter hard and soft landscaping is provided that will enhance the appearance of the site and environment of the wider area, with focal points being provided at the proposed Aldi foodstore and restaurant building. Cycle parking is also provided at these points, being securely located adjacent to the building entrances.
- 7.22 The proposed Aldi foodstore is specific to their design requirements, being a single storey building with a mono-pitched roof. A high quality red brick base (in an English garden wall bond) is proposed to reflect the local area, with a lighter polyester powder coated composite panel above. The frontage corner of the building is to be fully glazed and a cantilevered glazed canopy is used to mark the entrance to the building.
- 7.23 The proposed orientation of the Aldi foodstore and mono-pitched design of the roof has considered the relationship with the neighbouring two-storey semi-detached houses, with the eaves level of the foodstore being similar in height to the eaves of the houses. The entrance to the foodstore is also positioned to avoid nuisance to these neighbours.
- 7.24 The other proposed larger retail block takes its design reference from the Aldi foodstore, using the same red brick base and with a contrasting dark grey polyester powder coated panel system. The rear of the block is to be elevated in the same materials. Signage zones are identified at the first floor level of the building and are of a consistent size and rhythm.
- 7.25 The design of the remaining proposed restaurant and employment/ancillary use buildings has been reserved for later submission as part of the hybrid nature of the application, but is anticipated to follow the established aesthetic of the development.
- 7.26 It is considered that the proposed layout and unified design of the proposed retail buildings will provide the proposed development with a local identity that is considered appropriate to the site and area in accordance with Policies BE1, BE2 and BE3 of the Local Plan.

## **Other Material Considerations**

### **Highways (Policy T3)**

- 7.27 Highways have advised that there is no objection to the proposed development subject to a revision to the number of accesses off Trent Lane, which the applicant has agreed. Pedestrian provision within the proposed layout has also been improved by the realignment of the route across the car park. The requirement for Construction Traffic Management Plans is a proposed condition of consent. It is considered that the proposed development accords with Policy T3 of the Local Plan.

### **Flood Risk and Drainage (Policy NE10)**

- 7.28 Highways and the Environment Agency refer to the need for drainage details relating to the disposal of surface water, incorporating SUDS, and to avoid the risk of surface water pollution. Planning conditions are recommended as conditions of any consent in accordance with Policy NE10.

### **Pollution and Contamination (Policies NE9 and NE12)**

- 7.29 Pollution Control acknowledge the history of the decontamination of the site and have requested that the applicant provides information relating to the current condition of the site. Planning conditions have been included on the draft decision notice should the applicant be unable to provide this information in accordance with Policy NE12 prior to the issue of the permission.. The need for planning conditions to require the submission of details of a noise management plan relating to the operation of the proposed Aldi foodstore and operational and servicing times for the development as a whole is also acknowledged and is considered appropriate in the interests of the proximate residential properties in accordance with Policy NE9.

### **Planning Obligations (Policies T2 and ST4)**

- 7.30 The previous Outline Planning Permission was to provide a comprehensive package of regeneration benefits through S106, including environmental/public realm improvements; a pedestrian bridge over the railway; a shoplink bus service for Sneinton residents; and local employment and training opportunities in the construction and operational phases of development. It has been noted that the pedestrian bridge over the railway has since been provided by Network Rail.
- 7.31 The applicant has advised that there has been no commercial interest in developing a food superstore of the size previously consented and that the proposed development is submitted in order to regenerate the site and to recover the costs of the purchase and remediation. The applicant has, therefore, advised that the S106 benefits associated with the previous consent cannot now be afforded.
- 7.32 A viability appraisal has been submitted in support of the application and this has been comprehensively reviewed. Accordingly, Committee is advised that the proposed development would not generate a commercial return that could support S106 and that it would not be appropriate to require this in the context of the proposed regeneration of the site.

7.33 The applicant has however advised that, notwithstanding the conclusion of the viability appraisal, they are willing to support resurfacing works and direction signage works to the adjacent Greenway public right of way to a sum of £60,000. The site has been considered to lack connectivity with the local area where it is being promoted to serve as a local centre. In relation to the Greenway route, it is considered that there are two areas of local housing that would benefit from improved walking and cycle connections to the site, being Bendigo Lane to the east of the site and Ivatt Drive to the west. These areas of housing are already connected to the Greenway and would benefit from improvements to its condition to encourage its use. A financial contribution towards local employment and training as part of the proposed development will also be provided.

## **8. SUSTAINABILITY / BIODIVERSITY (Policy BE4)**

8.1 It is proposed that a 'fabric-first' approach is used to minimise energy consumption of the proposed Aldi foodstore. It is advised that Aldi foodstores are designed with high efficiency equipment and lighting and, through the use of a well considered thermal envelope, the building's heating demand is reduced to a level where the waste heat rejected from the process cooling plant is sufficient to provide the building's entire heating load, making up around 25% of the building's CO<sub>2</sub> emissions.

8.2 It is proposed that the block of retail units will also use a 'fabric-first' approach, with photovoltaic panels also being used in this instance where the tenants for the units are not known. The photovoltaic panels would be mounted on the roof of the block. It is advised that this would equate to a 10.2% reduction in CO<sub>2</sub>.

8.3 It is considered that a 'fabric-first' approach and installation of photovoltaic panels is an appropriate means to achieve carbon reduction targets and, subject to a requirement to implement the development using this approach, is in accordance 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**

Neighbourhood Nottingham: would provide high quality and sustainable development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction and operation of the development.

Safer Nottingham: would help provide a safer and more attractive neighbourhood.

**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: 14/01140/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N5JY68LYCB000>

2. Nathaniel Lichfield & Partners on behalf of Intu Properties plc, 19.6.14

3. Chair of River Crescent Residents Association, 16.6.14

4. Tenant of River Crescent apartments, 13.6.14

5. Pollution Control, 1.7.14

6. Highways, 25.6.14

7. Environment Agency, 15.7.14

8. Network Rail, 29.5.14

9. Nottinghamshire Wildlife Trust, 12.6.14

10. Nottingham Civic Society, 31.7.14

**17 Published documents referred to in compiling this report**

National Planning Policy Framework

Nottingham Local Plan (November 2005)

Waterside Regeneration Planning Guidance – November 2001

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

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

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**WARDS AFFECTED:** Bridge

**Item No:**

**PLANNING COMMITTEE  
19th November 2014**

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Units 1 To 4, Queens Road**

**1 SUMMARY**

Application No: 14/01809/PFUL3 for planning permission

Application by: Town Planning Services on behalf of Thames Water Pension Scheme Property Investment Fund

Proposal: Demolition of existing buildings followed by the erection of a discount food retail store, alterations to car park and associated works.

The application is brought to Committee because it is a major application on a prominent site where there are important land use, design and heritage considerations. The application has also generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should be determined by 29th December 2014

**2 RECOMMENDATIONS**

**REFUSE PLANNING PERMISSION** for the reasons as set out below:

1. The proposal does not represent and would prejudice the delivery of a comprehensive mixed used scheme that maximises the efficient development of this prominent and strategically important site within the Southside Regeneration Zone. The proposal is therefore contrary to the Paragraph 17 of the NPPF, Aligned Core Strategies Policies A, 4, 5 and 7, and the Nottingham Local Plan Policies ST1 and MU3.5.
2. The proposed development by reason of its scale, layout and design would fail to deliver a high quality design appropriate for this prominent and strategically important site within the Southside Regeneration Zone. Furthermore the proposal would fail to preserve or enhance the character and appearance of the Station Conservation Area and grade II\* listed Nottingham Station. The proposal is therefore contrary to Paragraphs 17, 56-60 128-134 and 137 of the NPPF, the Aligned Core Strategies Policies 5, 7, 10 and 11, the Nottingham Local Plan Policies BE10, BE11 and BE12.

**3 BACKGROUND**

- 3.1 The site is 0.63 ha in size and is located at the corner of Queens Road/London Road, between the railway line and Nottingham Station to the north (with Station Street beyond) and Queens Road to the south. London Road, the A60, rises on a bridge over the railway line to the east. The site currently contains four single storey

industrial units with associated forecourt/parking area. The surrounding area comprises a mix of commercial, industrial and residential uses which are generally characterised by large scale buildings, both in mass and height, along Queens Road and Station Street.

- 3.2 The site is within the Southside Regeneration Zone, the Station Conservation Area and adjoins the grade II\* listed Nottingham Station. The south west part of the site is also within flood zone 2 of the River Trent.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 The proposal is for a retail unit, to be occupied by Aldi, with a gross floor area of 1,617sqm and a net retail area of 1,140 sq m. The building would be positioned in the northwest corner of the site, alongside the boundary with the railway line. The remainder of the site would be given over to a 101 space car park (including 6 disabled spaces), accessed via the existing entrance from Queens Road in the south west corner of the site. A separate pedestrian access would also be provided from Queens Road.
- 4.2 The proposed building would be single storey in height with a mono-pitched roof that rises in height to its principal elevation (8.35m) and faces into the car park with Queens Road beyond. This elevation contains the store entrance at its south east corner and some full height curtain wall glazing which extends around the corner onto the elevation facing London Road. High level glazing extends the length of the Queens Road elevation whilst elsewhere the elevations comprise a white render plinth with silver metal cladding above and grey panelled roof. A glazing canopy is positioned above the store's entrance.
- 4.3 Landscaping is proposed to the perimeters and within the car park layout. Existing boundary enclosures will largely be retained, including the traditional red brick wall to Queens Road. However, a low level timber knee high rail fencing is proposed to either side of the vehicle entrance area to the site.

#### **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

##### **Adjoining occupiers consulted:**

- 5.1 5 notification letters were sent to neighbouring occupiers at Units 1-4 Queens Road and Hooters in the Hicking Building opposite. A series of site notices were also posted around the Hicking Building to make residents aware of the planning application and an advertisement placed in the local newspaper.
- 5.2 41 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 proposed retail operator. The reasons for supporting the new proposal are:
- The store would provide quality foods at affordable prices and are good value for money.
  - 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, or into the city centre and West Bridgford to shop.
  - The store would increase shopping competition in the area.

- The proposal is generally seen to be good for this part of the Meadows.
  - The development would create employment opportunities for local people.
- 5.3 One card filled in by a local resident considers the new store to be a good idea but thinks that it is too far away from outlying parts of the Meadows and could only be accessed by car. 2 other local residents hope that adequate free and disabled parking will be provided, that it doesn't cause traffic chaos when entering the site and emerging onto the main road, and that traffic congestion is looked at around the site ie. on match days.
- 5.4 Five emails have been received objecting to the proposal. Their concerns are summarised below:
- The proposed building lacks aesthetic and architectural merit.
  - No attempt has been made to design a building which integrates with its surroundings, either to create a traditional building or a contemporary building of note.
  - The development would be a gross underutilisation of the site, as supported by the Southside masterplan and is out of kilter with the wider redevelopment taking place in the area.
  - This prime site should be better utilised with a building in excess of 6 stories, with uses such as retail on the ground floor and residential above.
- 5.5 A statement of community involvement has been submitted with the application. A community newsletter detailing the proposal was sent to over 5,400 households and businesses surrounding the site, including the 329 residents in the Hicking Building and further afield in the Meadows. 251 responses were received out of which 97% showed support for the proposed store. Feedback from residents particularly supported the introduction of a new Aldi food store to reduce the distance currently travelled to existing Aldi stores in other parts of Nottingham or further afield. In addition, a considerable number of respondents specifically highlighted that the provision of an Aldi food store would be a benefit to the Meadows area.

**Additional consultation letters sent to:**

**Noise & Pollution Control:** No objections. Recommend conditions regarding soil and gas contamination, details of piling and foundations, noise assessment and insulation, and hours of opening and deliveries to be restricted to 08:00 to 22:00 hours Monday to Saturday and 10:00 to 16:00 hours on Sundays and Bank Holidays.

**Planning Policy:** Object. The current proposal is inconsistent with existing and emerging development plan policy in so far as the scale and design of the single storey proposal is not considered to be commensurate with the site's setting or status within the Station Conservation Area, nor does it realise the full regeneration and development potential of this key location. Alternative proposals which maximise development of the site could provide scope for mixed used development of an appropriate scale with opportunities for retail at ground floor level. Planning Policy consider that the submitted retail assessment satisfactorily demonstrates that there are no alternative sequentially preferable sites available and that any potential impacts, particularly on the City Centre, are likely to be minimal.

**Highways:** No objection. Recommend conditions regarding a construction management plan, access details to include pedestrian priority measures, the provision and retention of car and cycle parking, manoeuvring, details of drainage, off-site highway works and a travel plan.

**Urban Design:** Object. Situated along two of the main arterial routes into the city and within the Station Conservation Area, this highly visible site is an important element to the overall regeneration of the south of the city. Due to its position and relationship to other surrounding sites and buildings, a building of presence would be required, addressing the corner of these busy routes. To achieve this any proposed development should be positioned towards the back of footway and be of the appropriate height and mass. Anything other than a building of real stature in terms of its mass and high quality of design would not achieve the aspirations for this part of the city and would be a missed opportunity in helping to kick start the regeneration of the area. The proposal would not meet any of these aspirations in terms of its design, massing and position within the site.

**Nottingham Design Review Panel:** A key gateway site on a primary north south route through the city, the proposal fails to respond to its context or the character and appearance of this part of the Station Conservation Area. In an area characterised by large scale buildings along Queens Road this should be developed as a corridor of tall buildings, with the recent Station multi storey car park setting the scale of building expected. The site therefore warrants a taller building of presence which addresses the corner of Queens Road and London Road with a high quality landmark building. This should be positioned to the front of the site with a modest setback allowing the views of the Hicking Building and St. Mary's Church to be preserved. A standard Aldi model design, the elevation to Queens Road does not positively contribute to the streetscene with the loading bay visible on the frontage. More consideration also needs to be given to pedestrian movement with pedestrians construed into an inconvenient route, questioning the ease of convenience for residents of the Meadows who the development aims to attract. There are also concerns that in allowing a low rise development of poor design quality will set an undesirable precedent to the detriment of the potential station car park development site to the west and the wider regeneration zone.

A single use, low rise retail development is therefore not considered to be appropriate or the right conclusion for this important development site, and will not support the regeneration of the Southside. The site does provide an opportunity for retail in being able to offer an active frontage at ground level, but only delivered as part of a larger mixed use scheme. The proposal fails to realise the development potential of the site and aspirations should be higher. The Panel do not give their support to the scheme.

**English Heritage:** Regeneration of the site, which lies within the Station Conservation Area and setting of the Grade II\* Nottingham Station, provides an opportunity to better reveal and enhance the significance of both these designated heritage assets and the wider historic townscape of the City Centre. Should the justification for a food retail store be accepted English Heritage would encourage opportunities to repair the townscape and create a quality urban design response. Such opportunities include establishing of a strong building line, genuine active frontages, an appropriate scale of building which relates to the streetscape and a quality design. Poor design which does not contribute to creating and enhancing a sense of place, may result in harm to heritage significance.

**Conservation Officer:** Objects. The proposed development is of a low height and is substantially set back from the edge of the street, behind car parking. It does not present an active edge to the highway nor address the corner of the road junction in a way that would enhance the character of the Conservation Area. On this basis the proposal would be contrary to advice contained in the Station Conservation Management Plan and the NPPF.

**Biodiversity:** The submitted bat survey is considered to satisfactorily demonstrate that the buildings affected by the proposed development do not support roosting bats, and there are no further ecological constraints to the development of the site. Light spill from the development should be kept to a minimum.

**Network Rail:** Set out requirements to protect the adjacent railway line and ensure that works are carried out in a manner that does not endanger the safe operation of the railway. Conditions regarding drainage, boundary treatment, soundproofing, lighting and landscaping are recommended.

**Nottingham Civic Society:** Object. The proposal harms the Station Conservation Area by failing to preserve or enhance its character and appearance and would be contrary to advice contained in the Station Conservation Area Appraisal and Management Plan. They consider that the frontage to London Road, as an approach to the city centre, would be improved by a building which addressed and overlooked the street. A new building of 4/5 storeys in height would also frame views within the conservation area and create a more cohesive streetscape. The Society considers that the environment for pedestrians in London Road is poor and that the development does nothing to improve it. The character of the conservation area would be further undermined by the expanse of car parking proposed along the street frontage.

A supermarket is seen to be an unsustainable use of this brownfield city centre site so close to the transport hub. An element of retail as a part of a mixed use development could be envisaged and would provide some activity at ground floor level. However the Society considers that the site is not well located to serve the local shopping needs of most of the Meadows. They consider that a new supermarket would be much better located where its activity could contribute to the regeneration of the area.

**NET Team:** No objections.

## **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 The NPPF sets out the core planning principles in paragraph 17, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; encourage the efficient use of land by reusing brownfield land, secure high quality design; promote mixed use developments, conserve heritage assets, support the transition to a low carbon future, to manage patterns of growth to make the fullest

use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.

- 6.3 Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.4 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.
- 6.5 Paragraph 56 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development, with paragraph 61 advising this not just limited to architectural appearance but wider design issues such as connectivity and integration of new development into the built and historic environment.
- 6.6 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.7 Paragraphs 128 to 134 sets out the key considerations in determining applications relating to heritage assets. They state that local planning authorities should identify and assess the particular significance of any heritage asset and when considering the impact on the heritage asset, should have regard for its level of significance. The greater the significance of the asset, the more weight should be attributed to its protection. Paragraph 137 considers that LPA's should look for opportunities for new development within conservation areas and within the setting of heritage asserts to enhance and better reveal their significance.

### **Greater Nottingham Aligned Core Strategies (2014) (ACS)**

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area

Policy 1 - Climate Change

Policy 4 - Employment Provision and Economic

Policy 5: Nottingham City Centre

Policy 6 - Role of Town and Local Centres

Policy 7 - Regeneration

Policy 10 - Design and Enhancing Local

Policy 11 - The Historic Environment

Policy 14 –Managing Travel Demand

Policy 17 – Biodiversity

**Nottingham Local Plan (November 2005)**

ST1 – Sustainable Communities.

MU3.5 – Southside Regeneration Zone – Mixed Use Sites.

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

BE10 – Development within the curtilage, or affecting the setting

BE12 - Development in Conservation Areas

NE3 - Conservation of species

NE9 - Pollution

NE10 - Water quality and flood protection

NE12 - Derelict and contaminated land

NE14 - Renewable Energy

T3 - Car, cycle, and servicing parking

**The Land and Planning Policies Development Plan (LAPP) – the emerging local plan (adoption scheduled late 2015)**

6.8 In the Preferred Options of this document, and continuing the theme of the current Local Plan, the site is within the Canal Quarter where it is an allocated site (along with the adjacent car park to the west) for a number of potential uses. The Employment Delivery section of this document identifies the site for ‘office or research and development use’, to accommodate approx 28,000 sq m of net office floorspace. The Canal Quarter policy DM22 requires development that is consistent with and does not undermine the delivery of, amongst others, the following strategic aim:

- provision of high quality offices and other employment floorspace suitable to meet the needs of modern businesses, including expanding sectors

identified within the Nottingham /Growth Plan, focussed particularly on those sites in the areas adjoining Nottingham Station transport interchange.

6.9 The 'development principles' for this particular allocated site are as follows:

- Proposed uses – offices/light industry/research and development (B1), residential (C3), hotel (C1), non residential institution (D1), leisure (D2), transport facility (sui generis). Potential ancillary uses to ground floor could include small-scale retail (A1, A2, A3) delivered as an integral part of mixed-use scheme. Development should be of high quality design that positively addresses prominent corner at junction of London Road and Queens Road, and resolves level differences between London Road and the site. Development should preserve or enhance the significance and setting of Nottingham Station, the Station Conservation Area and other heritage assets. Transport assessment to be undertaken according to scale and nature of development(s). The site is within an area of medium flood risk and any planning application should be accompanied by a site specific Flood Risk Assessment

### **Other documents**

Southside Interim Regeneration Planning Guidance 2003

Nottingham Station Development Brief July 2004

Station Conservation Area Character Appraisal and Management Plan 2008

Nottingham City Centre Urban Design Guide May 2009

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- i) Principle of the use – the appropriateness of retail development and regeneration considerations
- ii) Urban Design considerations and impact upon the character and appearance of the Station Conservation Area and Grade II\* Listed Nottingham Station
- iii) Highway impact
- iv) Residential amenity issues

### **i) Principle of the use – the appropriateness of retail development and regeneration considerations (NPPF; ACS Policies A, 4,5, 6 and 7; Local Plan Policies ST1, S5 and MU3.5)**

7.1 The principle of redeveloping this brownfield site within the Southside Regeneration Zone and in this sustainable location is supported by existing planning policy. However the proposal for a single storey, single use retail development in an out of centre location requires further scrutiny under two broad categories.

*The appropriateness of retail development (NPPF; ACS Policy 6; Local Plan Policy S5)*

7.2 The sequential site approach to retail development is a longstanding requirement of national planning policy as it aims to prioritise in-centre sites before out-of-centre



sites are considered, a theme continued within the National Planning Policy Framework. This is embodied in the ACS (policy 6) and the saved Local Plan, policy S5 of which 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.

- 7.3 The application site is located 500m southwest of the Bridgeway Local Centre in the Meadows and 800m from the nearest primary shopping area of the City Centre and is therefore deemed to be an out-of-centre location. Furthermore the proposal store cannot be seen as a store to purely meet local need due to its size (1,140 sq m), its limited product range, its relatively poor location from the nearest local community in terms of walking distance and pedestrian routes, the site's location adjacent to the inner ring road, and the unlikelihood of linked trips due to the walking distance to the retail centres. The applicant has therefore carried out a retail assessment which includes a sequential assessment of sites both within the City Centre and the Bridgeway Local Centre.
- 7.4 The assessment concludes that there are no suitable sites to accommodate the proposed Aldi foodstore within either of these centres. Regarding the City Centre it highlights that an additional Aldi store would duplicate existing provision at Huntingdon Street, and that allocated sites in the City Centre (including the shopping centres) are intended to deliver comparison goods retailing; their use for a discount food store would be at odds with the recommendations of the Council's Retail Study and inconsistent with emerging planning policy. There are three vacant units within the Bridgeway Local Centre, however all are too small to accommodate the proposed Aldi store.
- 7.5 Policy S5 advises that where there are no suitable in-centre sites, proposals should be considered with regard to the other stated criteria, including the impact upon the vitality and viability of existing centres. The applicant's retail assessment considers the potential for impact on the vitality and viability of both of the afore mentioned shopping centres. The submitted analysis demonstrates that the impact on both of these would not be significant.
- 7.6 Policy S5 also 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. In this instance the site is close to the station and NET line, the nearest bus routes are along Meadows Way and Carrington Street and the scheme proposes on-site cycle parking facilities. However it is relatively divorced from the nearest local community, in the Meadows, with poor pedestrian connections making walking a less attractive option, particularly involving the crossing of the inner ring road (Queens Road). Given its location on the inner ring it is likely that the store would mainly attract passing car borne trade, as is evidenced by the proposed number of parking spaces. The nature of the use is such that even people travelling locally may drive to the site in order to transport shopping. The out-of-centre location also discourages shared trips to other in-centre shops and local facilities.
- 7.7 The conclusion on the principle of the proposal's retail offer is a balanced one. All of the existing and emerging development plan policy allows for retail development on this site but in the form of a small scale element which would be delivered as part of a larger mixed use scheme for which it would provide a supporting, ancillary role.

As a single use retail development the proposal does not achieve this. It is accepted that there are no sequentially preferable sites for the development in the nearest shopping centres and also that the impact upon these is unlikely to be significant. However it is also recognised that the site is poorly located to serve the nearest local community in terms of walking distance and pedestrian routes to the site. Whilst matters of regeneration are considered separately below, in purely retail terms there are not felt to be sufficient grounds to resist the proposal.

*Regeneration considerations (NPPF; ACS Policies A, 4, 5 and 7; Local Plan Policies ST1 and MU3.5)*

- 7.8 In both the extant and emerging development plan the site within the Southside Regeneration Zone is an allocated site for mixed use development. The common thread through all of the relevant development plan policies is for the Regeneration Zone to be developed with comprehensive schemes that maximise their development potential and align with the strategic aim of providing a mixed use business district, with a predominance of high quality office accommodation/business premises supported by residential development, new hotels and complementary retail and leisure activity. The opportunity for retail is therefore limited to an ancillary, supporting role.
- 7.9 The Southside Regeneration Zone is not just of strategic importance to the City but also the greater Nottingham area, highlighted by the reference to it in the ACS Policy 7. The policy approach set out in the ACS is continued in the emerging Local Plan (LAPP) where this site falls within the Canal Quarter and is an allocated site (along with the adjacent car park to the west) for a high quality mixed-use scheme. These policies make it very clear that the Southside Regeneration Zone/Canal Quarter is one of the key areas in the City that will provide the primary location for a new mixed use business district.
- 7.10 The proposal for a single use, low rise retail unit is at odds with both the existing and emerging policy context for this site and wider regeneration zone, and would not constitute an efficient use of the site as required by the NPPF.
- 7.11 The application is supported by a property report by Lambert Smith Hampton which concludes that having regard to the current office market, past and present office take-up and the availability of both existing stock and new build office schemes, the site would not secure office occupier interest in the foreseeable future. The applicant's therefore suggest that in line with the NPPF, a more flexible approach should be adopted where there is no realistic prospect of the site coming forward for the allocated employment.
- 7.12 This point is noted but it must also be recognised that for many years now developer interest will have been suppressed by the recession. Furthermore, a critical point is being reached where the attractiveness of sites within the Southside Regeneration Zone/Canal Quarter will benefit hugely from the significant public investment in transport infrastructure in this part of the City, namely the redeveloped station hub (re-opened in April this year) and phase two of the NET tram line (due to be operational by the Easter 2014). It is not therefore felt to be appropriate at this time to allow such a strategically important regeneration site to be developed in such an inefficient and compromised fashion that would not realise its development potential and prejudice the strategic aims of the wider regeneration zone.

**ii) Urban Design considerations and impact upon the character and appearance of the Station Conservation Area and Grade II\* Listed Nottingham Station (NPPF; ACS Policies 5, 7, 10 and 11; Local Plan Policies BE10, BE11 and BE12; the Nottingham City Centre Urban Design Guide; the Station Conservation Area Appraisal and Management Plan)**

- 7.13 The character of this part of the regeneration zone is characterised by the large scale buildings along both Queens Road and Station Street. These are predominantly 6 to 7 stories with taller buildings landmarking the end of each street, with the ten storey Pictureworks building at the western end of Queens Road and the 9 to 13 storey Jurys Inn hotel at the eastern end of Station Street. Additionally, a specific characteristic of this site is its lower ground level relative to the Queens Road / London Road junction, due to the latter rising over the railway line. This results in the already low level buildings on the site appearing partially hidden when viewed from London Road heading north. It is generally recognised that corner points at key junctions provide an opportunity to step up in scale and are appropriate for greater height than their immediate surroundings. These are often the sites for 'landmark' buildings, particularly when such sites are of significance in urban design terms to support a strategic land use policy, as is the case here with the Southside Regeneration Zone. The Pictureworks and Jurys Inn buildings are recent examples of this principle in practice in the immediate vicinity.
- 7.14 For these very reasons the site in question is identified as one of the few sites having potential for a tall building in the Nottingham City Centre Urban Design Guide (May 2009). This was published to promote the highest standard of urban design and architecture in the City Centre. A further justification for a taller building on the site is to address the lower ground level referred to above. This is identified in the 'development principles' for the site (as part of its allocation in the LAPP) which state that development "...should be of high quality design that positively addresses the prominent corner at the junction of London Road and Queens Road, and resolves the level differences between London Road and the site".
- 7.15 The Nottingham Station Development Brief (2004) further identifies the site as part of the South East Development Site where mixed use development with parking below is envisaged. Building heights could range from four to five storeys to the west up to ten to eleven storeys at potential penthouse house level towards London Road. Elevations, built up to the pavement edge, will need to be attractively modelled and carefully articulated in order to provide visual interest.
- 7.16 The proposed scheme for a single storey building set away from the site frontages, particularly to London Road, behind a car park that is the dominant use of the site, is entirely at odds with an analysis of the site and its surroundings in urban design terms. The proposal fails to maximise the development potential of the site but also deprives the Southside Regeneration Zone and the Station area of a building appropriate for what is one of its prominent, landmark sites.
- 7.17 A City Council organised Design Review, comprising a panel of independent design professionals, has been carried out to assist officers in their assessment of the proposed development. The conclusions of the review, which felt that the proposal failed to realise the potential for the site as part of the regeneration zone and represented a poor quality urban design response to the site and its context further supports the Council's conclusions regarding the scheme.

- 7.18 Redevelopment of the site, which lies within the Station Conservation Area and is adjacent to the Grade II\* Nottingham Station, also provides an opportunity to better enhance these designated heritage assets and the wider historic townscape of the City Centre. The Station Conservation Area Character Appraisal identifies that existing twentieth century development, such as the buildings which currently occupy the site, fail to reflect the traditional materials, scale and form of the Area, being small scale buildings that lack the visual presence of the traditional buildings and are set back from the street frontage leaving an untypical gap. The Area's Management Plan promotes development at the back edge of pavement to create strong building lines and active frontages that would repair the damage created by inappropriate low level twentieth century development. The Management Plan suggests that a 4/5 storey building of high quality design would be appropriate for the site, equivalent to the scale of the new station car park. It also advocates that where parking is proposed it should be located in unobtrusive locations away from street frontages, so as to avoid inactive frontages at ground floor level.
- 7.19 The proposed scheme fails to address the opportunities identified above in the Station Conservation Area Character Appraisal and Management Plan and in terms of its scale and form simply replicates that of current buildings on the site. The proposal would not respect the scale and mass of traditional buildings which define its context. On this basis the proposal would not preserve or enhance the special character and appearance of this part of the Station Conservation Area and would fail to make a positive contribution towards the historic setting of the grade II\* listed Nottingham Station.
- 7.20 The proposal's failure to provide a quality urban design response to its context and historic setting would be further exacerbated by the building's poor design and its materials of construction, which reflect a generic form of architecture that is not a considered response to its context.

### **iii) Highway impact (ACS Policy 14; Local Plan Policy T3)**

- 7.21 It is likely that a relatively high proportion of visits to the site would come from passing car borne customers. Access for staff, customers and servicing would be provided by the existing access off Queens 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. If approved, conditions are recommended relating to a construction management plan, access details (to include pedestrian priority measures), the provision and retention of car and cycle parking, manoeuvring, details of drainage, off-site highway works and a travel plan.

### **iv) Residential amenity issues (ACS Policy 10; Local Plan Policy NE9)**

- 7.22 It is not envisaged that the proposed use would have any materially detrimental impact on the occupiers of the Hicking Building located on the opposite side of Queens Road. The site is currently in use for commercial purposes and the site is separated from the Hicking Building by the Queens Road, a major transport thoroughfare. The use of restrictive conditions in terms of noise and hours of use could be imposed to mitigate against the potential impact of the development.

### **Other matters (NPPF; ACS Policy 1; Local Plan Policies NE10 and NE12)**

- 7.23 The Flood Risk Assessment has identified that the extreme south west part of the site falls within flood zone 2 of the River Trent and has a 1 in 1,000 year probability

of flooding. This would not present a barrier to development of the site in flood risk terms. The assessment recommends that sustainable drainage techniques be incorporated into the surface water drainage strategy for the site.

- 7.24 Noise and Pollution Control advise that they have no objection subject to conditions relating to a noise assessment, a remediation strategy to deal with ground, gas and ground water contamination, details of piling and foundations, and requesting that hours of opening and deliveries to be restricted to 08:00 to 22:00 hours Monday to Saturday and 10:00 to 16:00 hours on Sundays and Bank Holidays.

## **8. SUSTAINABILITY / BIODIVERSITY (ACS Policies 1 and 10; Local Plan Policies NE3 and NE14)**

- 8.1 It is proposed that a 'fabric-first' approach is used to minimise energy consumption of the proposed Aldi foodstore. The applicants advise that Aldi foodstores are designed with high efficiency equipment and lighting and, through a considered approach to the thermal envelope, the building's heating demand is reduced to a level where the waste heat rejected from the process cooling plant is sufficient to provide the building's entire heating load, making up around 25% of the building's CO<sub>2</sub> emissions.
- 8.2 The Biodiversity and Greenspace Officer is satisfied with the bat survey submitted with the application which confirms that there is no evidence of bat roosts or bat activity in the existing buildings.

## **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**

World Class Nottingham – The proposal would fail to deliver a comprehensive mixed used development on a prominent site within a strategically important regeneration zone

Neighbourhood Nottingham – The proposal fails to provide a quality urban design response to its context and historic setting

Working Nottingham – The proposal would provide employment opportunities for local citizens

**14 CRIME AND DISORDER ACT IMPLICATIONS**

Ensuring that community safety issues are addressed in the layout and design of the development.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 14/01809/PFUL3
2. Comments from Highways dated 29 October 2014
3. Comments from Noise and Pollution Control dated 24 October 2014
4. Comments from the NCC Ecology dated 20 October 2014
5. Comments from Planning Policy dated 24 October 2014
6. Comments for NCC Conservation Officer dated 31 October 2014
7. Comments from the Nottingham Civic Society dated 15 October 2014
8. Comments from English Heritage dated 24 October 2014
9. Email from the resident of Hanley House, Hanley Street received 03 October 2014.
10. Email from the resident of 8 Seeley Road received 03 October 2014
11. Email from the resident of 90 Chatsworth Road West Bridgford received 03 October 2014
12. Email from the resident of 23 Hampden Grove Beeston received 03 October 2014
13. Comments from Network Rail received 20 October 2014
14. 42 cards from local residents living in the Meadows area received between 16 October and 3 November 2014
15. Email from the resident of 26 Sandys Close dated 24 October 2014
16. Email from the residents of 22 Lammas Gardens dated 20 October 2014.
17. Email from the resident of 7 Huntingdon Drive received 3 November 2014
18. Urban Design comments 06.11.14
19. Urban review comments 06.1.14
20. NET Yeam comments 07.11.14

**17 Published documents referred to in compiling this report**

NPPF

Greater Nottingham Aligned Core Strategies (2014)

Nottingham Local Plan (November 2005)

The Land and Planning Policies Development Plan (LAPP) – the emerging local plan (adoption scheduled late 2015)

Southside Interim Regeneration Planning Guidance (2003)

Nottingham Station Development Brief (July 2004)

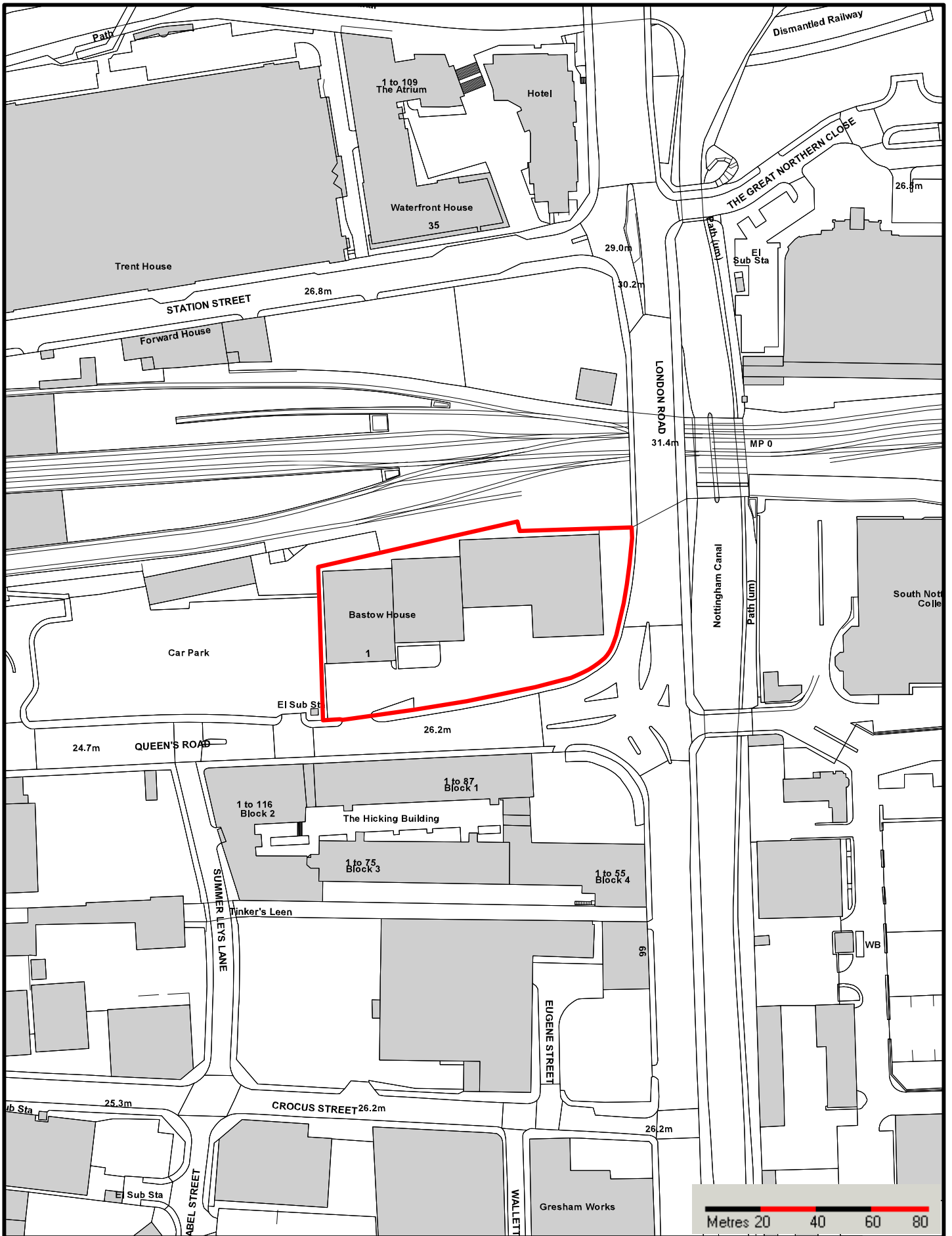
Station Conservation Area Character Appraisal and Management Plan (2008)

Nottingham City Centre Urban Design Guide (May 2009)

**Contact Officer:**

Mrs Jo Briggs, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041



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**My Ref:** 14/01809/PFUL3 (PP-03560678)  
**Your Ref:**  
**Contact:** Mrs Jo Briggs  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Town Planning Services  
Mr Chris Green  
The Exchange  
Colworth Park  
Sharnbrook  
Bedford  
MK44 1LQ

Date of decision:

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

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Application No: 14/01809/PFUL3 (PP-03560678)  
Application by: Thames Water Pension Scheme Property Investment Fund  
Location: Units 1 To 4, Queens Road, Nottingham  
Proposal: Demolition of existing buildings followed by the erection of a discount food retail store, alterations to car park and associated works.

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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 proposal does not represent and would prejudice the delivery of a comprehensive mixed used scheme that maximises the efficient development of this prominent and strategically important site within the Southside Regeneration Zone. The proposal is therefore contrary to the Paragraph 17 of the NPPF, Aligned Core Strategies Policies A, 4, 5 and 7, and the Nottingham Local Plan Policies ST1 and MU3.5.

2. The proposed development by reason of its scale, layout and design would fail to deliver a high quality design appropriate for this prominent and strategically important site within the Southside Regeneration Zone. Furthermore the proposal would fail to preserve or enhance the character and appearance of the Station Conservation Area and grade II\* listed Nottingham Station. The proposal is therefore contrary to Paragraphs 17, 56-60 128-134 and 137 of the NPPF, the Aligned Core Strategies Policies 5, 7, 10 and 11, the Nottingham Local Plan Policies BE10, BE11 and BE12.

**Notes**

1. 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. 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: 14/01809/PFUL3 (PP-03560678)

If the applicant is aggrieved by the decision of the City Council to refuse 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](http://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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# **DRAFT ONLY**

## **Not for issue**

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**WARDS AFFECTED:** Aspley

**Item No:**

**PLANNING COMMITTEE  
19 November 2014**

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Land at Oakford Close, Broxtowe**

**1 SUMMARY**

Proposal: To discharge the existing planning obligation relating to the development at the former 11-67 Oakford Close.

The proposal is brought to Committee as it relates to the waiver of planning obligations which the Committee previously required.

**2 RECOMMENDATIONS**

- 2.1 That the section 106 agreement in respect of Oakford Close with Gladedale (South Yorkshire) Limited dated 19 March 2008 (as modified on 4 March 2009) be discharged by deed, such discharge to be effected contemporaneously with the transfer of part of the development site to the City Council; and
- 2.2 Details of the deed of discharge to be delegated to the Head of Development Management and Regeneration.

**3 BACKGROUND**

- 3.1 A delegated decision was taken on 11 October 2007 to grant planning permission under reference 07/01170/PFUL3 for the erection of 51 residential units following demolition of existing buildings on the site.
- 3.2 The above approval to grant permission was subject to prior completion of a section 106 agreement requiring an open space contribution of £94,063.81 and ten on-site affordable housing units. The section 106 agreement was completed on 19 March 2008.
- 3.3 The development of the site commenced and some of the units were sold and occupied. However, further sales were slow and in the light of that the developer ceased work. Discussions with the Council as to the future of the site took place, alongside changes to the section 106 requirements which would enable development to re-commence. There were also negotiations with a housing association as to the purchase of ten units on the site assisted by an injection of funds from the City Council's section 106 affordable housing commuted sum fund towards that purchase. At its meeting on 22 October 2008 this Committee (then named the Development Control Committee) authorised a variation of the section 106 agreement to effect these and other changes.
- 3.4 However, before the deed of variation could be put in place, the developer requested a further relaxation of the section 106 requirements and the matter was once again reported to this Committee on 19 November 2008. The fact that the

development comprised three phases was recognised, and the proposed variation was structured to incentivise the developer to complete the various phases. At its November 2008 meeting the Committee resolved to authorise the variation of the s.106 agreement to remove the requirement for on-site affordable housing and with contributions for off-site open space and affordable housing being reduced in the event of timely completion of phases of the development.

- 3.5 A deed of variation in accordance with the Committee authorisation was completed on 4 March 2009. The variation agreement specifies the events or dates which will trigger instalments of the various payments becoming due, and these include occupation of more than a certain percentage of the open market units.
- 3.4 The current position is that Phase 1 of the development (comprising 28 units) has been completed. 2 units have been built on Phase 3. Owing to continuing poor market conditions, Phase 2 has not been built and it is understood that there is no intention of continuing the development.
- 3.5 The vacant land continues to attract complaints relating to its appearance and anti-social behaviour issues.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 The total contributions payable under the varied section 106 agreement are £195,000 plus index linking. However, payment of some of the open space and affordable housing contribution instalments are triggered by 50% occupation of the open market units and that point has not yet been reached. Therefore, at this stage only £35,300 plus index linking (a total of £42,567.16) is actually due and capable of being recovered via enforcement action by the Council if it so chose. When indexation is included, this sum is made up of £24,117.37 affordable housing contribution and £18,449.79 open space contribution.
- 4.2 Notwithstanding the Council's repeated efforts to facilitate the regeneration and improvement of the site including the re-negotiation of the planning obligation it is clear that development has again stalled. Further discussions have taken place with the developer as a result of which it is (subject to the necessary approvals) the Council's plan to use the undeveloped part of the development site for Nottingham City Homes residential development as part of the 'Building a Better Nottingham' programme.
- 4.3 To enable that plan to be implemented, it is proposed to seek authorisation for the Council's acquisition of part of the site and the unadopted road (as shown on the attached plan) from the developer for no further cost to the Portfolio Holder for Resources and Neighbourhood Regeneration, separate to this planning process. The developer has indicated that it is prepared to sell that part of the site to the Council provided that the section 106 obligations which attach to the whole site are removed at the same time.
- 4.4 Approval is therefore sought for the discharge of the section 106 agreement as varied, in tandem with the property transaction outlined above.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

- 5.1 Council officers and partners with a professional interest in the proposal have been consulted and have indicated their support, relevant observations being provided below.
- 5.2 Observations of the Regeneration Manager: Acquiring the land (which the discharge of the section 106 obligation will facilitate) will allow the remainder of the site to be developed with new Council properties as part of the Council's housing development programme.
- 5.3 Those not consulted are not directly affected by the decision.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **Nottingham Local Plan (November 2005):**

H5 – Affordable Housing

R2 – Open Space in New development

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

There is no immediate proposal for development for this Committee to consider. However, the Council's acquisition of the vacant part of the site is for the purpose of providing new social housing. As it is likely to differ significantly from the original scheme granted planning consent, a new planning application is expected following completion of the proposed land transaction.

## **8. SUSTAINABILITY / BIODIVERSITY**

In light of the limited impact of the proposal there are no such issues to be considered at this time.

## **9 FINANCIAL IMPLICATIONS**

Discharging the section 106 obligation will result in the Council foregoing the affordable housing and open space contributions as set out in paragraph 4.1 of this report. However, the acquisition of the undeveloped site will then (subject to the necessary approval) proceed on the basis of a £1 nominal consideration.

## **10 LEGAL IMPLICATIONS**

It is open to the Council as local planning authority to agree to the variation or discharge of a section 106 agreement at any time. Any variation or discharge can only be effected by deed.

Other legal implications are as set out elsewhere in this report.

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham & Safer Nottingham – the proposal will facilitate future development on this vacant site, ultimately providing new housing while improving the appearance of the land and removing the existing opportunity for anti-social behaviour.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

Acquiring and developing the site will remove the current opportunity for anti-social behaviour activity.

**15 VALUE FOR MONEY**

Whilst the discharge of the section 106 obligation would constitute both an actual and a potential loss of revenue, this has to be viewed against the prospective land transfer which it will facilitate.

Any section 106 contributions received would have been ring-fenced for affordable housing and open space use respectively. Based on an expected site yield of 20 properties the value per plot when apportioned to the sum of discharged outstanding Section 106 payments is £2,128; significantly cheaper than buying land on the open market and representing good value for money.

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

Section 106 Agreement, 19 March 2008  
Deed of Variation to Section 106 Agreement, 4 March 2009

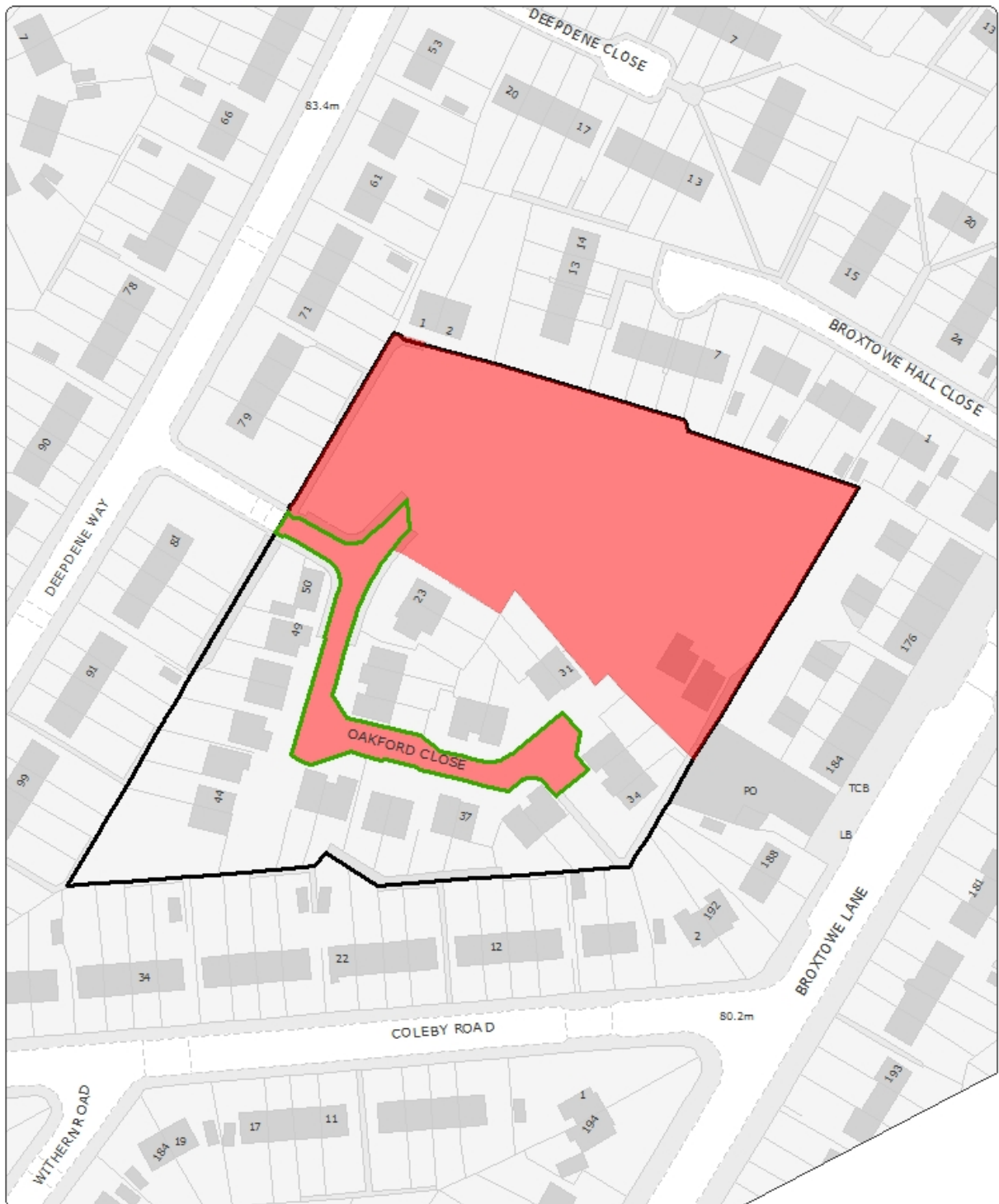
**17 Published documents referred to in compiling this report**

Planning application 07101170/PFUL3 (Erection of 51 dwellings)  
Nottingham Local Plan (November 2005)




**Contact Officer:**

Joanna Briggs, Principal Planning Officer, Planning Services  
Email: [Joanna.briggs@nottinghamcity.gov.uk](mailto:Joanna.briggs@nottinghamcity.gov.uk) Telephone: 0115 876 3132

## Oakford Close, Broxtowe



### Key

-  Oakford Close site
-  Land to be transferred (undeveloped land + unadopted road)
-  Road (not yet adopted)

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