



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 20 July 2016

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

Corporate Director for Resilience

Governance Officer: Catherine Ziane-Pryor **Direct Dial:** 0115 8764298

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
- 3 MINUTES** 3 - 6
Of the meeting held on 15 June 2016 (for confirmation)(amended at meeting).
- 4 PLANNING APPLICATIONS: REPORTS OF THE HEAD OF PLANNING**
 - a LAND SOUTH OF 1 HORIZON PLACE, MELLORS WAY** 7 - 28
 - b FORMER BLENHEIM ALLOTMENTS, BULWELL**
To follow
 - c VISION EXPRESS, ABBEYFIELD ROAD** 29 - 44
 - d SITE CORNER OF BULL CLOSE ROAD AND THANE ROAD** 45 - 60
 - e 14 VICTORIA CRESCENT, NOTTINGHAM** 61 - 78
 - f 79 HOLGATE ROAD, NOTTINGHAM** 79 - 88

COUNCILLORS, CO-OPTees, COLLEAGUES AND OTHER PARTICIPANTS MUST DECLARE ALL DISCLOSABLE PECUNIARY INTERESTS AND / OR ANY OTHER INTERESTS RELATING TO ANY ITEMS OF BUSINESS TO BE DISCUSSED AT THE MEETING.

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

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FOLLOWING THE MEETING THERE WILL BE A PRESENTATION FOR MEMBERS ON NOTTINGHAM CASTLE.

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 15 June 2016 from 14.31 - 15.19

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair)
Councillor Graham Chapman
Councillor Alan Clark
Councillor Michael Edwards
Councillor Sally Longford
Councillor Andrew Rule
Councillor Josh Cook
Councillor Wendy Smith

Absent

Councillor Azad Choudhry
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Brian Parbutt
Councillor Malcolm Wood
Councillor Linda Woodings
Councillor Steve Young

Colleagues, partners and others in attendance:

Paul Seddon - Head of Planning
Rob Percival - Area Planning Manager
Nigel Turpin - Heritage and Urban Design Manager
Tamazin Wilson - Legal Advisor
Catherine Ziane-Pryor - Governance Officer

8 APOLOGIES FOR ABSENCE

Councillor Azad Choudhry – leave
Councillor Rosemary Healy – personal reasons
Councillor Gul Khan – health reasons
Councillor Brian Parbutt – leave
Councillor Malcom Wood – health reasons
Councillor Linda Woodings – personal reasons
Councillor Steve Young - health reasons.

9 DECLARATIONS OF INTERESTS

None.

10 MINUTES

The minutes of the meeting held 18 May 2016 were confirmed and signed by the Chair.

11 PLANNING APPLICATIONS: REPORTS OF THE HEAD OF PLANNING

a FORMER HINDLE HOUSE, TRAFFIC STREET (Agenda Item 4a)

Rob Percival, Area Planning Manager, introduced the report and application number 15/03198/PFUL3 by CPMG Architects on behalf of HC1 Land Ltd, for planning permission for 62 new apartments and associated works.

The application is brought to Committee because it is for a major development.

It is noted that the update sheet provided a revised recommendation.

Rob Percival delivered a brief presentation which included an aerial view of the site in context of the surrounding properties, plans, including selected floorplans of the 4 storey proposal, street views of the current site and CGI street level images of the proposed development.

Since the plans were first submitted several changes have been made including the introduction of soft landscaping to the frontage of the development and the addition of a green roof.

Members of the Committee welcomed the proposal as good architectural design which will benefit the regeneration of the Area.

Member's questions were responded to as follows by Rob Percival;

- (a) with regards to the concern raised by the Civic Society that traditional red brick would be more appropriate than the proposed buff brick colour, there is not a strong feeling that red brick was an imperative given the context of the site. The architect also felt that the buff colour was integral to the integrity of the design;
- (b) biodiversity on the banks of 'Tinkers Leen' has been considered and is reflected within the report and the conditions;
- (c) it is not know who owns the small triangle of natural vegetation bordering the proposed development and Tinkers Leen but this could be clarified with the applicant;
- (d) the 'underpass' vehicular access and pedestrian side access will be gated.

Member's comments included:

- (e) the design and appearance of the scheme were generally well received;
- (f) once ownership of the small triangle of natural vegetation is clarified, it would be beneficial to local residents and the City Council to ensure responsibility is taken for its management;
- (g) the depth to the elevations and inclusion of greenery is welcomed;
- (h) gated communities can be difficult to engage and it's a concern that they may be isolated from the local community;
- (i) the colour of the proposed buff bricks is the same colour as the local stone and Nottingham Castle outcrop so should be welcomed as linking into the local history of Nottingham;
- (j) consideration should be given to the means of enclosure for the site boundaries, particularly the boundary to the Tinker's Leen;

RESOLVED

- (1) subject to the submission of a satisfactory Sequential Test that demonstrates that there are no sequentially preferable sites for the development in flood risk terms, planning permission is granted subject to:**
 - (i) the indicative conditions listed in the draft decision notice;**
 - (ii) an amendment to indicative condition (4) to include a requirement for the management and on-going maintenance arrangements for the landscaping, and details of the means of enclosure for the site boundaries, to be approved by the Authority;**
 - (iii) an amendment to indicative condition (2) to require that the approval of the colour of the brick to be used for the development shall be approved by the Authority subject to consultation with the Chair, Vice-Chair and Opposition member;**
- (2) to delegate power to determine the final details of the conditions to the Head of Planning.**

b NUMBER ONE, NOTTINGHAM SCIENCE PARK (Agenda Item 4b)

Rob Percival, Area Planning Manager, introduced the report and application number 16/000957/PFUL3 by Jones Lang LaSalle on behalf of Kaplan International College, for a change of use of part of the building from B1 use to D1 use.

The application is brought to Committee because the application represents a departure from the Development Plan which designates the site for Class B1 light industrial/research and development use, whilst the application is to use part of the building as a feeder college for international students subsequently to attend the University of Nottingham ; a Class D1 education use.

Rob Percival delivered a brief presentation which included an aerial view of the site and street views.

It is noted that approximately half of the building has been vacant for a period of time and that there is no imminent prospect of Class B1 focused tenants taking this up. In addition, Nottingham University strongly supports the application and the benefits it would bring to their international strategy and the economy of the City.

RESOLVED

- (1) to grant planning permission subject to the conditions listed in the draft decision notice;**
- (2) to delegate power to the Head of Planning to determine the final details of the conditions.**

c 79 HOLGATE ROAD, NOTTINGHAM (Agenda Item 4c)

This item was withdrawn from the agenda at the request of the applicant.

12 NOTTINGHAM CASTLE CONSERVATION MANAGEMENT PLAN

Paul Seddon, Head of Planning, introduced the report which presents the Nottingham Castle Conservation Management Plan to the Committee for noting, requesting a recommendation for approval and adoption by Nottingham City Council as a document of best practice for the management and development and development of the Nottingham Castle site.

The detailed and thorough plan considers historic and structural aspects of the current site and sets out a policy framework for how the Castle, a significant heritage asset of the City, should be conserved and managed during any repairs, maintenance or future development.

Members of the Committee commented as follows:

- (a) the document, with its impressive scale of detail, is welcomed;
- (b) better clarity of the tree categorisation needs to be provided;
- (c) the historic context of the Castle and City is not adequately reflected in the document, and whilst it is acknowledged that the history of the Castle is not the focus of the document, it provides an important context.

It was noted that Heritage Strategy Partnerships will provide opportunity later in the year to develop the stories of the City.

The update sheet provided an amended recommendation.

RESOLVED to note the Nottingham Castle Conservation Management Plan and recommend its approval and adoption by Nottingham City Council as a document of best practice for the management and development and development of the Nottingham Castle site.

WARDS AFFECTED: Bilborough

Item No:

PLANNING COMMITTEE
20th July 2016

REPORT OF HEAD OF PLANNING

Land South Of 1 Horizon Place, Mellors Way

1 SUMMARY

Application No: 16/01020/PFUL3 for planning permission

Application by: Aspbury Planning Ltd on behalf of WBD, Aldi & Greene King

Proposal: Convenience store (class A1) and pub/restaurant (class A3/A4) with associated access, parking, pedestrian and cycle routes and other related works.

The application is brought to Committee because officers are recommending that the application be granted, which represents a departure from the Development Plan

To meet the Council's Performance Targets this application should be determined by 5th August 2016

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions to be delegated to the Head of Planning.

3 BACKGROUND

3.1 The application site consists of an undeveloped piece of land located within the Nottingham Business Park. The site sits to the north of Chatterley Parkway, the main access road serving the business park and the new residential development to the south. It is bounded by Mellors Way to the east, which leads to the Belfry hotel, and Lawrence Drive to the west, which leads to the premises within the business park. To the south, and under construction, is a residential development of approximately 290 dwellings.

3.2 There is a public footpath/cycle path which dissects the site north to south, toward the eastern part of the site. The boundaries of the site have been planted with hedging and/or trees, and the eastern part of the site, between the public right of way and Mellors Way, has been planted with trees in addition to being enclosed by hedges.

3.3 In 2000 planning permission was granted for 79,000m² of employment floor space (B1 offices only) including land that forms the application site (application reference 97/02441/POUT). To date 19,956m² of office development has been built on the

northern part of the site, along with a hotel to the north east. To the south of Chatterley Parkway planning permission was granted in 2013 (outline) and 2014 (reserved matters) for a residential development of 290 dwellings, which is now under construction.

4 DETAILS OF THE PROPOSAL

- 4.1 Erection of a retail unit (Class A1) and a pub/restaurant (Class A3/A4) with associated accesses, parking, pedestrian and cycle routes, and other related works. The site is part of the Nottingham Business Park development and is allocated as employment land in the Local Plan.
- 4.2 The retail unit (Aldi) would be located on the eastern section of the site. It would have parking to the front with access from Chatterley Parkway. The store entrance would be to the east elevation. The unit would be single storey with a mono-pitch roof and a mix of metal and terracotta cladding to the elevations, along with glazing to the store windows.
- 4.3 The pub/restaurant (Greene King) would occupy the remainder of the site, on the western section. The building would sit toward the front of the site, with access from Lawrence Drive and parking to the (west) side and (north) rear. The building comprises single and two storey elements with largely gable ended roofs and a variety of other gable features incorporated within the design. It would be built of brick and tile with some limited areas of rendering. Whilst the principle entrances to the pub/restaurant would be to the west and north elevations, the front elevation, facing south, would have a secondary entrance and fenestration appropriate to its prominence in the streetscene.
- 4.4 The Council is in discussion with the developer regarding, as part of the development package, both the developer and subsequent operators delivering local employment and training opportunities during the construction and operation of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through a Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

11, 15 to 53 odds inclusive, York Drive
First floor, ground and second floors, 4 Orchard Place
The Nottingham Belfry Hotel Mellors Way
1 Horizon Place Mellors Way
1 and 2 Orchard Place

A site notice and press notice were also posted / published.

Expiry date for consultations 22.06.16

One letter received. General comments which are:

- When do the works plan to start

- How long will the works take to complete
- How will access to Orchard Place be affected
- How will parking be managed at both units

In addition, a public consultation event was carried out by the applicant in March 2016, prior to the planning application being submitted. 2,600 leaflets were distributed to advertise the event, public notices were posted in the area, along with press notices, and a consultation webpage was created. 62 members of the public attended the event, with 51 of those being resident within approximately one mile of the application site, and 7 being employees of businesses within the Nottingham Business Park.

A total of 35 responses were received either on the day or via the consultation webpage, both in support and in objection. Concerns raised included:

- Increase in traffic
- Increase in road noise
- Increase in footfall through the new residential development
- Increase in anti-social behaviour (relating to the pub)
- Increase in noise from outside areas of the pub
- Wrong type of development – not aimed at right kind of demographic, would have negative effect on house prices (in the new development)
- Employment opportunities from development not beneficial to residents of the new residential development
- Enough pubs and supermarkets nearby already
- Concerned about building on any area of open land / land that is Green Belt
- Original planning permission granted subject to no leisure facilities / pubs / hotels / housing etc
- Would be better to have a GP / dentist / health centre as part of the local centre or parade of small shops e.g. hairdresser / takeaway / café etc

Letters of support commented:

- Looking forward to new pub and supermarket in this location
- Good use of land / nice development / good site layout and access / adequate parking spaces
- Great asset to the area
- Will help to create thriving neighbourhood / benefit community socially and economically
- Will complement residential and employment activities across the site
- Within walking distance of housing / will enhance sustainability credentials of the area
- Good layout of pub (children's area separate to dining)

Other comments include:

- What is the construction period for the development
- Would there be any improvement to public transport
- Would like as much landscaping as possible
- Impact on EMAS (East Midlands Ambulance Service) during both construction and operation

Additional consultation letters sent to:

Policy team: Whilst the proposal is a departure from the Local Plan, there are other material considerations. The proposal may assist in meeting local deficiencies in convenience shopping and assist in improving the attractiveness of the remaining business park for employment uses. On balance, and subject to the provision of more information and acceptability of the catchment for the sequential test, the proposal is considered acceptable.

Pollution Control: No objections, subject to a pre-commencement condition regarding Radon protection measures. *Response: A condition is considered unnecessary as this would be covered under Building Regulations. An informative is however recommended, alerting the applicant to the need for Radon Protection Measures.* Additional conditions regarding sound insulation scheme, lighting and electric vehicle charging points.

Highways: No objections subject to conditions relating to construction management plan, maintenance and management of the public right of way, and details of highway improvements.

Drainage: Satisfied with the drainage scheme as submitted.

Archaeology Officer: Whilst the site is within an Archaeological Constraint Area, the development will not have any impact on archaeological remains.

Tree Officer: Satisfied with details in the tree report. Recommend securing details of AMS and landscaping by condition.

Coal Authority: Object, due to lack of information regarding presence of mine shaft on the site.

Biodiversity Officer: Seek to retain hedging where possible.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 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 taken on planning applications.
- 6.3 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.

- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.

Aligned Core Strategy

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 - development proposals will be expected to mitigate against and adapt to climate change.

Policy 4: Employment Provision and Economic Development - aims to strengthen and diversify the local economy.

Policy 6: Role of Town and Local Centres - aims to maintain and enhance the vitality and viability of all centres.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Policy 12: Local Services and Healthy Lifestyles - supports new, extended or improved community facilities where they meet a local need and are sustainably located.

Policy 17: Biodiversity - seeks to increase biodiversity by, amongst other things, supporting the need for the appropriate management and maintenance of existing and created habitats and by mitigating harm to biodiversity.

Nottingham Local Plan (November 2005):

BE16 - Archaeological Constraints.

CE1 - Community Facilities.

E1 - Prestige Employment Sites.

E3 - Major Business Parks/Industrial estates.

E4 - Previously Used Employment Sites.

NE5 - Trees.

NE9 - Pollution.

NE12 - Derelict and Contaminated Land.

S5 - Retail development, Edge/Outside Centres.

S7 - Food and Drink.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Layout and Design
- (iii) Impact on Neighbours
- (iv) Access and Traffic Impact

Issue (i) Principle of Development (ACS Policies 4 and 6, LP Policies CE1, E1, E3, E4, S5 and S7)

- 7.1 The proposed development would be a departure from the Local Plan as the site is allocated for employment development in the form of B1 offices under Policy E1 of the Local Plan. To permit retail and food and drink uses on the site therefore requires an overriding justification to depart from local plan policy that demonstrates why the site may no longer be best suited to office development and why the proposed scheme is an appropriate alternative land use.
- 7.2 The application is supported by a report entitled 'Woodhouse Park Economic Review' produced for the applicant by Regeneris Consulting dated April 2016, which appraises the past and likely future performance of the Business Park, reviewing national and local trends as part of the process. As of April 2016, there was 22,000 square metres of occupied floorspace (out of the 79,000 square metres consented in 2000) on the remaining part of Nottingham Business Park (NBP). The average take up rate since 2003 has been around 1,400 square metres per annum, although this has varied significantly from year to year. Demand was badly affected by the economic downturn, falling to 1,000 square metres per annum between 2008 and 2013.
- 7.3 The report states that although there has been a recent pick-up in demand for floorspace, including 3,000 square metres in the past few months, this has all been for second hand, vacant space which was freed up by previous occupiers vacating that space. The only development of new space since 2003 was built with the support of a public sector grant. Aside from this there has been no speculative or pre-let development at the business park since 2003.
- 7.4 FHP, the marketing agents for the business park, reported that the remaining part of the NBP and the nearby Phoenix Business Park have been the last office areas to see a recovery in demand for space in the city. Although the park benefits from a

high quality landscaped setting, it has not been attractive to the market.

- 7.5 The report states that recent lettings of second-hand space at the remaining part of the business park have been at £12 per square foot. This is some way below the £20 per square foot required for new development on the remaining plots to be viable. Although there are examples of recent deals of £19 per square foot for refurbished space, these have been in central areas where demand recovered earlier. Given the gap between build costs and rental values, the prospects for new development are very limited in the short to medium term.
- 7.6 The Aligned Core Strategy sets a target for delivery of 253,000 sq m of office space over the plan period (2011-2028). This target was based on evidence which is now several years out of date, including two forecasting exercises undertaken in 2007 and 2009. The Nottinghamshire councils have since commissioned a new report from Nathaniel Lichfield and Partners (NLP) which refreshes the evidence base and tests the original target.
- 7.7 NLP's report modelled four scenarios. The Council's preferred scenario is a policy-on scenario, in which a series of interventions planned by the D2N2 Local Enterprise Partnership (LEP) achieved all of their objectives for jobs growth. This results in a need for an additional 245,000 sq m of office space over the plan period. This is very similar to the current target in the Aligned Core Strategy.
- 7.8 Nottingham has a development pipeline of around 250,000 sq m. In quantitative terms, this should be more than sufficient to meet the likely level of demand in Nottingham over the plan period. This is the case even if the more ambitious estimates of demand for 245,000 sq m proved to be accurate.
- 7.9 The Regeneris report submitted with the application sets out the implication for a change of use of land at the business park. Rental values across Nottingham are currently not at a level where speculative development is commercially viable. When rents do recover, as they are likely to do over the next couple of years, new development is initially likely to take place in those areas where demand has been strongest in the past. This includes the city centre, central business parks (such as NG2) and office locations connected to the tram network, including the Enterprise Zones. This is where the vast majority of future supply is located. Although rental values at the remaining part of NBP may recover over the course of the plan period, there are limited prospects for development of new office space in the next ten years. Therefore, permitting a change of use to leisure/retail, with confirmed occupiers in place, would mean the plots are being used to generate jobs rather than sitting idle for ten years or longer.
- 7.10 If new office development did become viable in the future, the remaining area of NBP still has development potential for around 18,500 sq m. This would represent 13 years supply based on take-up of 1,400 sq m per annum. A large proportion of this is in the northern part of the site which may be needed for HS2. In this event, then it may be possible to develop other parts of the site, including some of the landscape areas.
- 7.11 The content and findings of the Regeneris report, as set out above, are broadly accepted and supported. The evidence suggests that the loss of part of the business park is not critical to the overall supply of office floor space and given its' past delivery rates, likely owing to the site's location, it is appropriate to consider other forms of development.

- 7.12 Whilst compliance with Policy E1 may not be achieved through proposing an alternative land use to office development, it is considered that the material considerations of a sufficient office supply over the ACS plan period results in the principle of the proposed retail and food and drink uses being considered acceptable.
- 7.13 A further material consideration in favour of the proposal is that the development could support an average of 205 full time equivalent jobs (FTE's) per annum over a 25 week construction period. In addition, around 110 new jobs will be created by Aldi and Greene King, including full time and part time roles. It is estimated that this is broadly equivalent to around 85 FTE jobs. A large proportion of the jobs created will be in low skilled positions which will be accessible to local unemployed people. Within 2km of the site there are over 600 residents claiming JSA (and therefore out of work). Around 250 of these are seeking work in the types of occupations that will be created through this development, including sales assistants and waiters/bar staff. According to the 2011 Census, around 25% of people working in retail or hospitality occupations commute less than 2km to work compared to around 10% in office based sectors. This means there is a far greater likelihood that the retail and hospitality jobs created at Woodhouse Park would go to local people than if it remained an office development.
- 7.14 The proposed retail use would be out-of-centre in planning terms, with a policy presumption in favour of a centre first approach to site location. Due to the area of floorspace proposed, a Retail Impact Assessment is required and has been submitted as part of the application. The proposed retail unit is aimed at the north and west catchment area of the city, and at a local scale not intended to attract significant car-borne trade from outside this area. The unit would be within walking distance of large residential estates and is on a bus route.
- 7.15 The Retail Statement submitted with the application addresses the sequential test to site selection and potential impacts upon the health of existing centres and major convenience shopping stores within the identified catchment area. Together with the pub/restaurant, the Retail Statement assesses that local centres would be unaffected by the development and that the impact of the redistribution of trade from identified main shopping stores to the proposed Aldi is not significant. The only exception to this is the impact on the Bulwell Aldi which is overtrading and would remain so even after the proposed Aldi is built.
- 7.16 The Retail Statement also sets out the benefits of the proposal as a whole which includes increased choice and competition in the area; potential for linked trips; reduced shopping trip journey lengths; employment generation; catalyst for further investment and development; and the introduction of a local facility (pub/restaurant) into the market place. The content and findings of the Retail Statement are broadly supported and it is concluded that the proposed store and pub / restaurant are acceptable in this location.

Issue (ii) Layout and Design (ACS Policy 10)

- 7.17 The layout has been led by the constraints and opportunities of the site; the landscaping/hedging to the site boundaries, the cycle/pedestrian route that runs across the eastern part of the site, and the change in site levels.

- 7.18 The Aldi store would be built in a mix of metal and terracotta cladding with a glazed entrance to the east elevation. The Greene King pub/restaurant is more traditional in style and materials and comprises a principle two storey element with a series of subsidiary wings, offshoots and design features that help to break down its overall mass and create a varied and interesting roofscape. The pub/restaurant would be set forward of the Aldi store to offer some prominence in the street scene and when viewed from the principle point of access to the east.
- 7.19 Although both buildings follow a branded template they have been adapted for the site in terms of their siting, entrance points, some design detailing and the use of appropriate external materials. Consequently they are felt to offer a successful design solution for the site.
- 7.20 Particular attention has been paid to enhancing the public right of way that crosses the site, upgrading this with raised, shared surface materials and highlighting its primacy as a route through the car park. A sizeable area of public realm has been created to the front of the Aldi store that aligns with the public right of way, and also links with the pedestrian route created between the store and pub/restaurant. A deep landscape buffer is retained to the overall site boundaries, following the theme established elsewhere in the Business Park.
- 7.21 Overall this is felt to be well considered approach to the site that appropriately balances the operational requirements of the two businesses with a thorough site and contextual analysis.

Issue (iii) Impact on Neighbours (ACS Policy 10 and LP Policies NE9 and S7)

- 7.22 The nearest residential properties would be to the south of Chatterley Parkway, within the new development. The proposal would not have an adverse impact on the amenities of the occupiers of residential property in terms of loss of light, privacy or overlooking. It should also be borne in mind that the site has an extant permission for office development which would offer a comparable or greater impact on those adjacent residents. In terms of noise and disturbance, again given the distance between the retail/pub and residential, the proposal would not have a significant impact on adjacent residents subject to appropriate control of hours of use, servicing arrangements and ventilation extraction; all of which are to be conditioned.

Issue (iv) Access and Traffic Impact (ACS Policy 10 and LP Policy T3)

- 7.23 Highways are satisfied that the combined development would be acceptable in traffic impact terms. This is particularly so given the highways infrastructure already in place to serve the Business Park, and that there is an extant permission for this site to accommodate office development.
- 7.24 The two premises have separate vehicular accesses but would be linked by a clear and legible pedestrian / cycle route within the site. This has been incorporated into the car park layouts and the entrances to both premises positioned so as to take advantage of this connecting route. Highway improvements are proposed to ensure traffic turning into the site would not have an impact on highway safety. Appropriate upgrading of the public right of way is incorporated within the scheme and would be subject to further conditional approval, along with other design details related to the movement and parking of vehicles.

- 7.25 Each operator would have a management plan for their car parks in order to deter long stay parking by visitors or employees of nearby businesses.

OTHER MATTERS (Local Plan Policies BE16 and NE12)

- 7.26 The Coal Authority have raised an objection on the basis that the Phase II Geo-Environmental Report as submitted does not provide sufficient information to determine whether or not issues of land stability can be satisfactorily addressed. There is an on-going dialogue between the Coal Authority and the applicant to resolve this matter but if it does not prove possible to do so before committee, the issue will be addressed by condition.
- 7.27 Part of the site sits within an Archaeological Constraints Area as allocated in the Local Plan. Notwithstanding this it is considered that the development would not have any impact on archaeological remains.

8. SUSTAINABILITY / BIODIVERSITY (LP Policy NE5)

- 8.1 Some young trees would be lost as part of the development, and some hedges would need to be re-aligned, but these are in part mitigated for by replacement planting. Subject to a condition regarding details of landscaping and the planting of new trees, the proposal is considered to be acceptable in this regard.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Working Nottingham: the development will provide local employment opportunities.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 16/01020/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O6QRDWLYKS100>

2. Comments from Archaeology Officer dated 31.05.16
3. Comments from Coal Authority dated 09.06.16
4. Comments from Drainage dated 20.06.16
5. Comments from Tree Officer dated 03.06.16
6. Comments from Policy Officer dated 13.06.16
7. Comments from local business dated 31.05.16

17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005)
2. Aligned Core Strategy
3. National Planning Policy Framework

Contact Officer:

Mrs Sue Davis, Case Officer, Development Management.



Email: sue.davis@nottinghamcity.gov.uk. Telephone: 0115 8764046

NOMAD printed map



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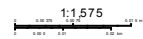
Key

-  City Boundary
-  Planning Application Polygons

Description

No map description

Nomad web map printed by a Nomad user at 12:39, 12/07/2016



My Ref: 16/01020/PFUL3 (PP-05088374)
Your Ref:
Contact: Mrs Sue Davis
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

Aspbury Planning Ltd
FAO: Mr Mike Downes
20 Park Lane Business Centre
Park Lane
Basford
Nottingham
NG6 0DW

Date of decision:

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

Application No: 16/01020/PFUL3 (PP-05088374)
Application by: WBD, Aldi & Greene King
Location: Land South Of 1 Horizon Place, Mellors Way, Nottingham Business Park
Proposal: Convenience store (class A1) and pub/restaurant (class A3/A4) with associated access, parking, pedestrian and cycle routes and other related works.

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

Time limit

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

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

Pre-commencement conditions

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

2. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

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

3. The development shall not be commenced until details of the cycle stands have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides safe and secure cycle parking to promote sustainable modes of transport to comply with Policy 10 of the Aligned Core Strategy.

4. The development shall not be commenced until details of the works to the PROW (Public Right of Way footpath number 285) crossing the site have been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the PROW design, lighting, crossing facilities, materials, landscaping, adjacent parking bays and maintenance arrangements for the upkeep of the PROW.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

5. The development shall not be commenced until details relating to the layout geometry (with tracking), signing, and lining, 'Swept Path Analysis', visibility splays and stage I/II Safety Audit have been submitted for the access proposals and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

6. The development shall not be commenced until details of all hard surface treatments, 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 details as agreed.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

7. The development shall not be commenced until details of a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include:

a) Provision to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway.

b) Adequate precaution shall be taken during the construction period to prevent the deposit of mud and other similar debris on the adjacent public highways.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

8. Notwithstanding the details shown on the approved drawings, the development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, including trees within the car parks, have been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the tree pits / trenches and a maintenance / management plan for the landscaped areas.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

9. The development shall not be commenced until additional information to demonstrate that the mining shaft cap is suitable for retention, including an engineering assessment which includes traffic loading, or details of a new shaft cap for installation on the site which should be to current specifications and avoids the need for the geo-grid, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the health and safety of the users of the proposed site to comply with Policy NE12 of the Nottingham Local Plan.

10. The development shall not be commenced until details of an environmental noise assessment and sound insulation scheme have been submitted to and 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 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.

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).

Reason: To safeguard the health and residential amenity of the occupants of nearby residential property to comply with Policy NE9 of the Nottingham Local Plan.

11. Prior to the installation of any external lighting, an external lighting assessment for the development shall be submitted to and be approved in writing by the Local Planning Authority.

The external lighting assessment shall specify an appropriate external lighting scheme for the development and shall ensure that:

i. Direct illumination of 'habitable rooms' (i.e. living rooms and bedrooms) does not occur and that any nearby residents are not subjected to glare anywhere within the boundary of their property,

ii. There is no significant increase in existing light levels, attributable to the development, at the boundary of any nearby residential properties.

The submission shall also include the design and configuration specification for the external lighting scheme and a prediction of light levels at the boundary of the nearest affected residential properties (vertical and horizontal isolux plots) attributable to the development.

Thereafter the lighting scheme shall be installed as approved.

Reason: To safeguard the health and residential amenity of the occupants of nearby residential properties to comply with Policy NE9 of the Nottingham Local Plan.

12. The development shall not be commenced until details of an electric vehicle charging scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:



i) Electric vehicle charging points in 5% of parking spaces (to a maximum of 10 electric vehicle charging points). (NB this provision may be phased with 2.5% provision initially and a further 2.5% by agreement) see table in the informative.

ii) Appropriate cable provision for future demand.

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

Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.

Pre-occupation conditions

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

13. No part of the development shall be brought into use until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

14. No part of the development shall be occupied until the hard landscaped areas pertinent to each use has been carried out in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

15. No part of the development shall be occupied until the car parking and servicing areas pertinent to each use has been completed.

Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.

16. The development shall not be brought into use until the sound insulation scheme pertinent to each use has been implemented in accordance with the approved details.

Reason: To safeguard the health and residential amenity of the occupants of nearby residential property to comply with Policy NE9 of the Nottingham Local Plan.

17. The Electric Vehicle Charging Points scheme shall be installed and made available prior to the occupation of each use.

Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

18. Deliveries and / or servicing of both the pub / restaurant and the retail unit shall not take place outside the hours of 6am to 10pm.

Reason: To safeguard the health and residential amenity of the occupants of nearby residential properties to comply with Policy NE9 of the Nottingham Local Plan.



19. The retail unit shall not be open for business outside the hours of 6am to 10pm on any day.

Reason: To safeguard the health and residential amenity of the occupants of nearby residential properties to comply with Policy NE9 of the Nottingham Local Plan.

20. The pub / restaurant shall not be open for business outside the hours of 7am to 1am on any day.

Reason: To safeguard the health and residential amenity of the occupants of nearby residential properties to comply with Policy NE9 of the Nottingham Local Plan.

21. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of each use or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

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 6 May 2016.

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. Radon Gas Contamination

According to the Public Health England (PHE) radon inside buildings is the main source of human exposure to radiation in the UK. Their advice for residential and other properties is that the Action Level for radon concentrations should be 200 Bq m⁻³ and the Target Level should be 100 Bq m⁻³. Some parts of the Nottingham city area fall within Radon Classes 2, 3 or 4 where respectively 1% to <3%, 3% to <5% or 5% to <10% of homes are estimated to be above the Action Level. Areas where more than 1% of homes are estimated to be above the Action Level are termed Radon Affected Areas. Furthermore areas where between 1% and 10% of homes are estimated to be above the Action Level are regarded as intermediate probability radon areas.

This development site is classified as being in a Radon Affected Area (Class 3 or Class 4) and as such between 1% to <3% (Class 3) or 3% to <5% (Class 4) of residential buildings in this area are estimated to have radon levels above the Action Level of 200 Bq m⁻³.

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Consequently based on Building Regulations Approved Document C, Radon - Guidance on Protective Measures for New Buildings BRE 211 (2015), and the Public Health England (website <http://www.ukradon.org/>) in order to protect the health of future residents or occupiers of this development from the adverse effects of radiation all new buildings, extensions, conversions & refurbishments:

i. Must include basic radon protection measures as a minimum consisting of a well-installed damp-proof membrane, modified and extended to the outer layer of construction to form a radon-proof barrier across the ground floor of the building, in addition,

ii. The domestic Action Level and Target Level should be applied to non-domestic buildings with public occupancy exceeding 2000 hours per years and also to all schools.

The Remediation Strategy 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. The Remediation Strategy must also provide details of how gas precautions will be validated and the Verification Report must provide details of the inspection process.

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 radon gas contamination of the site.

Any radon 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 radon 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 Environmental Health 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).

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.

NB: Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

4. The Environmental Health team advise:

Commercial Noise

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.

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.

External Lighting Scheme

The approved external lighting scheme shall be maintained and serviced in accordance with manufacturer's recommendations while the development continues to be occupied.

Electric Vehicle charging points:

A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

Indicative EV Charging Point Provision (Commercial / Industrial / Retail):

Provision of EV Charging Points	2.5%	5%
Proposed Parking Spaces		
10	1	2
20	1	2
50	1	3
100	3	5
200+	5	10

5. The Highway team advise:

a) It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

b) Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at www.leics.gov.uk/htd.

c) The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

d) PROW - please contact John Lee 0115 8765246 to discuss the details for requirements and design for the prowl across the site. All costs associated will be borne by the applicant including future maintenance of any materials used.

e) Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss drainage.

f) Dropped kerbs and ramps, suitable for wheelchairs and prams, shall be provided at the time of development in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings.

g) Parking areas shall be provided with minimum dimensions of 2.4m x 5.5m with additional transfer space for the disabled bay and shall be retained and not used for any other purpose.

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: 16/01020/PFUL3 (PP-05088374)

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/pcs.

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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Not for issue

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WARDS AFFECTED: Dunkirk And Lenton

Item No:

PLANNING COMMITTEE
20th July 2016

REPORT OF HEAD OF PLANNING

Vision Express, Abbeyfield Road

1 SUMMARY

Application No: 16/00852/PFUL3 for planning permission

Application by: CBW Design Ltd on behalf of Sandicliffe

Proposal: Redevelopment to provide car dealership with showroom, workshop, used car showroom/office, ancillary parking and associated works.

The application is brought to Planning Committee as officers are recommending that the application be granted, which represents a departure from the Development Plan.

To meet the Council's Performance Targets this application should be determined by 8th August 2016

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to Head of Planning.

3 BACKGROUND

3.1 The site comprises 2.85 ha of land formerly occupied by Calor Gas Limited. The building is currently being demolished. The site is located towards the north end of Abbeyfield Road, on the west side of Clifton Boulevard. The site is within land designated in the Local Plan as a major business park/industrial site. The site is enclosed with palisade fencing on three boundaries and is open to Abbeyfield Road.

3.2 To the south of the site is the Sandicliffe Nissan car dealership, whilst to the north is a large office building occupied by ZF Services Uk Ltd. To the rear (west) of the site is Hyperama Wholesalers and to the east is Clifton Boulevard, which is separated from Abbeyfield Road by a hedge approximately 3m in height.

4 DETAILS OF THE PROPOSAL

4.1 The application seeks planning permission for a new car dealership including a showroom, workshop, separate used car showroom /office and ancillary facilities. The main building is proposed to be sited to the front of the site, on the northern side, and comprises mainly ground floor accommodation but with a 2 storey car

showroom element. The ground floor includes a showroom at the front of the building with a small with offices, parts store and workshop to the rear. The show room is proposed to house a small café franchise. The building is proposed to be flat roofed with roof top parking (90 spaces). The materials are largely glazing on the front elevation with a silver cladding system used on the other elevations of the building. A single storey detached used car show room and office is also proposed to be located adjacent to the southern boundary of the site.

- 4.2 The site plan proposes a large area of external space for the display of vehicles mainly to the side and rear of the proposed building, with the remainder of the site given over to customer and workshop parking. A total of 267 parking spaces are proposed of which 188 parking spaces would be for the display of vehicles for sale. The proposal would utilise the existing vehicular access from Abbeyfield Road.
- 4.3 As part of the development package the developer is to deliver local employment and training opportunities during the construction and operation of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through a Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by a site notice and press advert. In addition the below neighbouring properties have been directly consulted:

Hyperama, Bull Close.

Former Stiebel factory, ZF Services UK Ltd and 27 Abbeyfield Road.

- 5.2 One letter has been received from the Managing Director of ZF Services UK Ltd whose premises adjoins the site. They comment that there are a number of car dealerships in the locality, which do not appear to have made any provision for handling the off-loading of cars from transporters. At present this takes place on the public highway and deliveries to one dealership have blocked their main access on Redfield Road. They consider the situation on Abbeyfield Road to be worse, with transporters serving the two existing dealerships on the road causing significant obstruction to traffic along it, which often affects adjoining businesses.
- 5.3 They suggest that the Council makes any car dealership planning approval conditional on the Company concerned making provision for the off-loading of transporters to be carried out away from the public highway and on the dealership property itself. They consider this a reasonable request and would avoid disruption to passing traffic and to neighbouring businesses.

Additional consultation letters sent to:

- 5.4 **Highways:** No objections to the access arrangements or the parking provision. Conditions relating to a construction management plan, staff travel plan, 17 cycle and 8 disabled parking spaces are recommended.
- 5.5 **Drainage:** No objections subject to a condition relating to the surface water drainage being reduced by 30%, through the use of SuDS.

- 5.6 **Environment Agency:** No objections subject to conditions relating to methods to deal with any unidentified contamination and a control over the use of penetrative methods in piling and foundation designs.
- 5.7 **Noise and Pollution Control:** No objections subject to a condition relating to a scheme to deal with ground contamination and gaseous emissions.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 22 of the NPPF 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".
- 6.3 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. Of particular relevance to this application is the requirement to support sustainable economic development, secure high quality design, make effective use of brownfield land and support the transition to a low carbon future.
- 6.4 Paragraphs 18-22 relate to the Government's commitment to building a strong competitive economy. 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.
- 6.5 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.
- 6.6 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 Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Aligned Core Strategies (September 2014):

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Nottingham Local Plan (November 2005):

ST1: Sustainable Communities

E3: Major Business Parks/Industrial Estates

NE9: Pollution

NE10: Water Quality and Flood Protection

NE12: Derelict or Contaminated Land

T3: Car Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues:

- (i) Principle of Development
- (ii) Highways
- (iii) Layout and Design

- (i) Principle of Development (NPPF, Aligned Core Strategy Policies A and 4 and Local Plan Policies ST1 and E3)

7.1 The site is located within an area defined as a major business park/industrial estate under Policy E3 of the Local Plan. This policy seeks to protect sites for employment development which is defined as B1 (offices/light industry), B2 (general industry) or B8 (storage and distribution) uses. The proposal for a new car dealership, whilst including elements of employment use, would be classed as sui generis by virtue of the fact that it encompasses a combination of uses including car sales. The proposed use would therefore represent a departure from the Local Plan and has been advertised accordingly.

7.2 Although the proposal does not meet the strict definition of employment development in planning terms, a closer examination of the components of the proposal shows that a significant proportion of the floor-space will be for employment use purposes. The total floor space proposed amounts to 3,452m², of which the largest part is for the vehicle workshop located to the rear of the building at approximately 1,607m². This use in isolation would be considered to be B2 and furthermore there is office space and storage space totalling a further 447m². The showroom and sales area extends to 1,019m² and cannot be classed as 'employment' in planning use class terms, but this represents less than 30% of the total floor space. It is recognised that the showroom and sales area is not ancillary and forms a principal function of the use and that the office and storage elements of the scheme largely relate to supporting uses for the showroom and workshop.

7.3 Whilst Policy E3 does not provide exceptions to employment development, it is

considered that there are several other material considerations which should also be attributed overriding weight. The site has been vacant since January 2015 and this proposal offers the opportunity for redevelopment, with the application stating that 118 full time jobs would be created. Furthermore Abbeyfield Road and Lenton Lane have over recent years has seen a number of similar developments for car showrooms and workshops, with the Nissan development granted permission in September 2013 being a recent example on Abbeyfield Road. It is considered that given these factors and that a significant percentage of the floor space development will involve employment uses, the principle of the development is acceptable. The proposal accords to the wider policy objectives of Policies A and 4 of the Aligned Core Strategy and ST1 of the Local Plan in strengthening the economic base.

(ii) Highways (Aligned Core Strategy 14 and Local Plan Policy T3)

7.4 The Council's Highway section is satisfied that the access arrangements to the site are acceptable and that the level of parking provision is appropriate. Whilst Policy T3 does not specifically provide parking standards for sui generis uses, analysis has been undertaken by Highways against similar uses in the vicinity and the parking provision is considered acceptable. Other than customer and staff parking, external areas of the site will be used for the display of vehicles. This would predominately be at the rear of the site but even accounting for some vehicles displayed on the site frontage, this is considered acceptable for this type of use and within this location.

7.5 The site layout has been designed to ensure that the delivery of cars by transporters can take place within the confines of the site, thereby addressing the concerns of the neighbouring business. Highways have commented that parking restrictions are in place on Abbeyfield Road adjoining the main access to the site, which should ensure access for transporters can be achieved.

(iii) Layout and Design (Aligned Core Strategy Policy 10)

7.6 The form of the building is simple but the proportions work well and the extensive glazing on the front elevation of the main building, would give the development a light and contemporary appearance. The design of the building is centred around the 2 storey glazed car showroom, which should be visible from Clifton Boulevard and help to provide a street-scene presence, which would otherwise largely be restricted by the hedgerow separating Clifton Boulevard from Abbeyfield Road. Additional trees are now proposed within the large parking area to help soften its appearance. It is considered that the proposal would help to raise the quality of the street scene on the edge of the industrial area and accords with the objectives of Policy 10 of the Aligned Core Strategy.

OTHER MATTERS (Aligned Core Strategy Policies 1 and 10 and Local Plan policies NE9, NE10 and NE12)

7.7 **Flood Risk:** The site is located within Flood Zone 2 (FZ2) and a Flood Risk Assessment has been submitted with the application. The development is classed as 'less vulnerable' development and the Environment Agency has raised no objections on the grounds of flood risk. However, the development also needs to pass the sequential test as set out in paragraph 101 of the NPPF. The site's location within FZ2 means that any available sites within FZ1 would be sequentially preferable. The applicant has stated that as the proposed development is to be

linked to the adjacent car showroom, which was granted planning consent in 2013, there are no alternative sites within Flood Zone 1 which meet this requirement.

- 7.8 The Drainage Team have recommended that surface water drainage from the site be reduce by 30%. This will be dealt with by condition.
- 7.9 **Contamination:** The issue identified by Noise and Pollution Control related to ground gas contamination can be satisfactorily dealt with by condition.
- 7.10 **Amenity of nearby occupiers:** The site is located within a mixed industrial/commercial area and as such it is considered that the proposed uses are compatible would not adversely impact upon the amenity or business operations of nearby occupiers.
- 7.11 Aligned Core Strategy Policies 1 and 10 and Local Plan policies NE9 and NE10 are therefore satisfied.

8. **SUSTAINABILITY / BIODIVERSITY** (Aligned Core Strategy policy 1)

- 8.1 An Energy Statement has been submitted with the application which identifies that the development will achieve a 10% reduction in carbon emissions through insulation materials and the use of solar photovoltaic panels. Subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord with Policy 1 of the Aligned Core Strategy.

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**

Work in Nottingham: By creating employment opportunities.

14 **CRIME AND DISORDER ACT IMPLICATIONS**

None.

15 **VALUE FOR MONEY**

None.

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

1. Application No: 16/00852/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O5TFEMLYK5Y00>

2. Comments from Highways dated 09.06.16.

3. Comments from Environment Agency dated 31.05.16.

4. Comments from the Drainage Team dated 23.05.16.

5. Comments from Pollution Control dated 02.06.16

6. Comments from ZF Services UK Ltd dated 01.06.16.

17 Published documents referred to in compiling this report

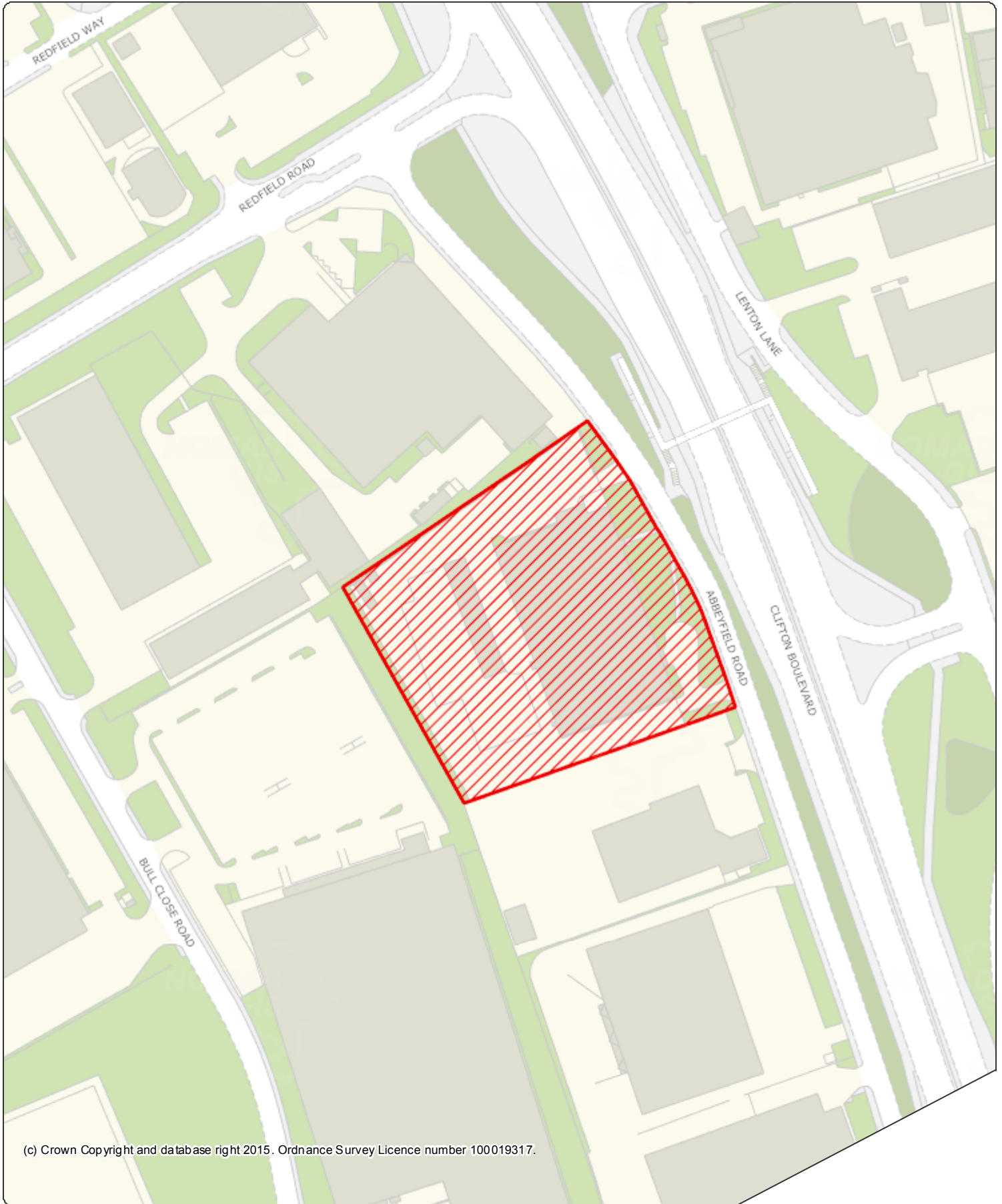
Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Briggs, Case Officer, Development Management.

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

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Key

-  City Boundary
-  Planning Application Polygons

Description

No map description

My Ref: 16/00852/PFUL3 (PP-04264466)
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

CBW Design Ltd
FAO: Mrs Laura Walton
344 Highters Heath Lane
Hollywood
Birmingham
B14 4TE

Date of decision:

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

Application No: 16/00852/PFUL3 (PP-04264466)
Application by: Sandcliffe
Location: Vision Express, Abbeyfield Road, Nottingham
Proposal: Redevelopment to provide car dealership with showroom, workshop, used car showroom/office, ancillary parking and associated works.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until such time that a Construction Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out the provision to be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance Aligned Core Strategy Policy 10 and Local Plan Policy T3.



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Nottingham
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Continued...

3. The development shall not be commenced until a Remediation Strategy, based on the conclusions of the Phase 1&2 Geo-Technical & Geo-Environmental report carried out by Ivy House Environmental on behalf of Sandcliffe Motors Ltd (Ref IV.168.15 December 2015), has been submitted to and approved in writing by the Local Planning Authority. The strategy should contain:

a) A Remediation Plan, 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).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) 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: In the interests of the health and safety of the occupiers of the development in accordance with Nottingham Local Plan Policy NE12.

4. The development shall not be commenced until all drainage details have been submitted to and approved in writing by the Local Planning Authority.

The provision shall reduce peak surface water run-off by 30% relative to the site's previous use and shall prevent the unregulated discharge of surface water to the public highway. This provision shall then be retained for the life of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Aligned Core Strategy Policy 1 and Local Plan Policy NE10.

5. No above ground development shall be commenced until details of the external materials have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the building in accordance with Aligned Core Strategy Policy 10.

6. No above ground development shall be commenced until details of the proposed solar panel, including their type, number and siting, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Aligned Core Strategy Policy 1 and Local Plan policy NE14.

7. Notwithstanding the details provided, a revised drawing showing the staff and customer parking (to include 8 disable parking spaces), and areas for the display of vehicles for sale, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance Aligned Core Strategy Policy 10 and Local Plan Policy T3.

8. The development shall not be occupied until secure, covered and lit cycle parking facilities for a minimum of 17cycles have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the area identified for parking cycles shall not be used for any purpose other than the parking of cycles.

Reason: To ensure that the layout of the development is satisfactory and to ensure that the layout of the development is satisfactory and to promote a sustainable element of travel in accordance with Aligned Core Strategy 14 and Policy T3 of the Local Plan.

Pre-occupation conditions

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

9. The development shall not be occupied until the following have been submitted to and be 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: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.

10. The development shall not be occupied until the parking/turning/servicing areas approved under condition 7 have been provided in accordance with the approved drawings. Thereafter, the parking/turning/servicing areas shall only be used for the purposes approved.

Reason: To ensure that the layout of the development is satisfactory in accordance with Policy T3 the Local Plan.

11. The development hereby approved shall not be brought into use until a Travel Plan detailing measures and targets to reduce single occupancy car journeys to and from the development has been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the LPA.

Reason: To promote the use of sustainable means of transport to comply with of the Aligned Core Strategy Policy 10 and Local Plan Policy T3.

12. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority.



The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development 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 Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory, in accordance with Aligned Core Strategy Policy 10.

Regulatory/ongoing conditions

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

13. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying aquifers from contamination from the land raising activity that occurred at the site previously in accordance with the Policies NE9 and NE10 of the Local Plan.

14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying aquifers from contamination from the land raising activity that occurred at the site previously in accordance with Policies NE9 and NE10 of the Local Plan.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the underlying aquifers from contamination from the land raising activity that occurred at the site previously in accordance with Policy NE12 of the Local Plan.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents: Planning Layout reference P101 revision Rev A, received 30 June 2016

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. Contaminated Land, Ground Gas & Groundwater

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. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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 Environmental Health 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 Environmental Health 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.

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

2. The Applicant is advised to contact Kerry Peruzza 0115 8763947 or e-mail Kerry at Kerry.Peruzza@nottinghamcity.gov.uk to progress the Staff Travel Plan and sustainable transport initiatives.

3. The Applicant will be required to contact our Workplace Parking Levy Team on 0115 98765050 to discuss licences for off-street staff car parking. Further details are available on:

<http://www.nottinghamcity.gov.uk/transport-parking-and-streets/parking-andpermits/workplace-parking-levy/wpl-licensing-costs-and-payments/>

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: 16/00852/PFUL3 (PP-04264466)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



DRAFT ONLY

Not for issue

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WARDS AFFECTED: Dunkirk And Lenton

Item No:

PLANNING COMMITTEE
20th July 2016

REPORT OF HEAD OF PLANNING

Site Corner Of Bull Close Road And, Thane Road

1 SUMMARY

Application No: 16/00887/PFUL3 for planning permission

Application by: Blackstaff Architects on behalf of Sytner Group LTD

Proposal: Two storey car showroom and associated works.

The application is brought to Committee because officers are recommending that the application be granted, which represents a departure from the Development Plan.

To meet the Council's Performance Targets this application should be determined by 9th August 2016.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions substantially in the form of those listed in the draft decision.

Power to determine the final details of the conditions to be delegated to the Head of Planning.

3 BACKGROUND

- 3.1 The application site is comprises 0.6ha of land located on the corner of Thane Road and Bull Close Road. The former Players Horizon factory is located to the west on the opposite side of Bull Close Road. It is currently hard surfaced and enclosed with mesh fencing and used for the open storage of vehicles with vehicular access from Bull Close Road and Thane Road for which planning permission was granted in 2014 (ref. 14/01721/PFUL3). There are a number of trees along the edge of the site on both Thane Road and Bull Close Road and a length of hedge on Bull Close Road. The site is located within an established area of industrial/commercial premises which the Local Plan identifies as being a Major Business Park/Industrial Estate.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for a new car dealership including a showroom, workshop, offices and ancillary facilities with a floor area of 2281 sq m. The building is proposed to be centrally located on the Thane Road frontage of the site adjacent to the back edge of the footway. The ground floor includes a showroom at the front of the building with offices and workshop to the rear. The first floor includes a further car showroom at the front of the building with staff facilities to the rear.

- 4.2 The building is proposed to be flat roofed with roof top parking. The front elevation is proposed to be largely frameless glazing with a white cladding surround. A black aluminium cladding system is proposed for the other elevations of the building.
- 4.3 It is proposed that the land to the west of the building would be used for the open storage of vehicles. The land to the east of the building is proposed to be used for customer and staff car parking. A total of 112 parking spaces are proposed of which 81 parking spaces would be for the storage of vehicles. Access for service vehicles to the site is proposed from both Thane Road and Bull Close Road but customers would only use the Thane Road access.
- 4.4 Two trees at the corner of Thane Road and Bull Close Road and the length of hedge on Bull Close Road are proposed to be retained.
- 4.5 The existing mesh fencing is proposed to be removed. It is proposed to enclose the part of the site to be used for open storage with a 2.4m high timber hit and miss fence which incorporates a planting system which will ultimately provide the appearance of a hedge. The area in front of the customer car parking is proposed to be enclosed with a low box hedge.
- 4.6 As part of the development package the developer is to deliver local employment and training opportunities during the construction and operation of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through a Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by a site notice and press advert. In addition the below neighbouring properties have been directly consulted:

Abbott House. Bishop House, Cardinal House, all Abbeyfield Road.

No response has been received.

Additional consultation letters sent to:

Highways: Have requested further details of the swept paths of an articulated vehicle entering the site from Thane Road in order to ensure that existing problems of congestion on the highway which occur at peak times are not exacerbated. Subject to this being satisfactorily demonstrated have no objection subject to conditions requiring the submission of a construction parking management plan and detailed layout matters.

Drainage: No objections subject to conditions relating to the surface water drainage being reduced by 30% through the use of SuDS and more details of the proposal to raise the level of the building to 400mm above the 1 in100 year flood plus 30% for climate change.

Environment Agency: No objection subject to conditions relating to methods to deal with any contamination not previously identified, the control over the use of penetrative methods in piling and foundation designs and no infiltration of surface water drainage into the ground.

Noise and Pollution Control: No objections subject to a condition relating to a scheme to deal with ground gas.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 22 of the NPPF 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".
- 6.3 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. Of particular relevance to this application is the requirement to support sustainable economic development, secure high quality design, make effective use of brownfield land and support the transition to a low carbon future.
- 6.4 Paragraphs 18-22 relate to the Government's commitment to building a strong competitive economy. 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.
- 6.5 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.
- 6.6 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 Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Aligned Core Strategies (September 2014):

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Nottingham Local Plan (November 2005):

ST1: Sustainable Communities

E3: Major Business Parks/Industrial Estates

NE9: Pollution

NE10: Water Quality and Flood Protection

NE12: Derelict or Contaminated Land

T3: Car Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues:

- (i) Principle of development;
- (ii) Layout, design and external appearance;
- (iii) Transport impacts.

- (i) **Principle of development** (Local Plan policies ST1 and E3 and Aligned Core Strategy policies A and 4)

7.1 The site is located within an area defined as a major business park/industrial estate under Policy E3 of the Local Plan. This policy seeks to protect sites for employment development which is defined as B1 (offices/light industry), B2 (general industry) or B8 (storage and distribution) uses. The proposal for a new car dealership, whilst including elements of employment use, would be classed as sui generis by virtue of the fact that it encompasses a combination of uses including car sales. The proposed use would therefore represent a departure from the local plan and has been advertised accordingly.

7.2 Although the proposal does not meet the strict definition of employment development in planning terms the layout shows that a good proportion of the floorspace would be workshop and office components of the proposal shows that a significant proportion of the floor-space would be for employment use purposes. It is also noteworthy that whilst little weight can currently be attached to the emerging Part 2 Local Plan, it is proposed that the definition of employment uses be extended to include sui generis uses of a similar nature which are located on employment sites. The nature of the site, whether office or industrial and warehouse orientated, will determine the appropriateness of the particular sui generis use.

7.3 The total floor space proposed amounts to 2281 sq. m, of which approximately 50% is proposed to be workshop, offices and storage and as such can be classified as employment floorspace. The showroom and sales area also extend to approximately 50% of the floorspace and cannot be classed as "employment" in planning use terms. It is recognised that the showroom and sales area are not ancillary and form a principal function of the use. The office and storage elements of the scheme relate to supporting uses for both the showroom and workshop.

7.3 Local Plan policy E3 does not provide exceptions to employment development, however, it is considered that there are a number of other material considerations

which in this case can be attributed overriding weight. Specifically, the site is currently underused as an open car storage area, is relatively small in the context of the whole industrial estate and it offers opportunities for job creation with the application stating that the use will create 21 full time jobs. Furthermore, over recent years there have been a number of similar developments for car showrooms and workshops on other sites within the industrial estate, with the Nissan development on Abbeyfield Road which was granted permission in 2013, being a recent example. It is therefore considered that taking into account all these factors and that a significant percentage of the floor space development would be for employment use that the principle of the development is acceptable. The proposal accords with the wider policy objectives of Policies A and 4 of the Aligned Core Strategy and ST1 of the Local Plan in strengthening the economic base.

(ii) Layout, design and external appearance (Aligned Core Strategy policy 10)

- 7.4 The building is proposed to be located on the site frontage and as such would address the road. The building is two storeys in scale which would create a presence in the streetscene on a site which is currently open. The front elevation is proposed to be primarily glazed with views into the car showroom on both the ground and first floors which would create interest and introduce casual surveillance. The design of the building is simple and the use of glazing as the principal material on the front elevation would result in a development with a good quality contemporary appearance. It is considered that the proposal would significantly raise the quality of the appearance of the edge of the industrial area and accords with the objectives of Policy 10 of the Aligned Core Strategy.
- 7.5 The area to be used for the open storage of vehicles to the west of the building is proposed to be enclosed with a hit and miss timber fence which incorporated a planting system to produce the effect of a hedge. It is considered that this would successfully enclose and screen this area and that the planting will help to soften the edge. Two trees on the corner of the site are proposed to be retained and discussions are ongoing with the agent about the possibility of retaining further trees on the frontage to Bull Close Road. It should be noted that the trees are not of high value in themselves but they do have some landscape value and help to soften the edge of the site.

(iii) Transport impacts (Local Plan policy T3 and Aligned Core Strategy policy 14)

- 7.6 The access arrangements to the site are acceptable and the level of parking provision is appropriate. Further to the query raised by Highways in relation to a car transporter gaining access from Thane Road a swept path analysis has been submitted and Highways have confirmed that this can be achieved.

OTHER MATTERS (Aligned Core Strategy Policies 1 and 10 and Local Plan policies NE9, NE10 and NE12)

Flood risk/drainage: The application site is located within Flood Zone 2 and a Flood Risk Assessment has been submitted with the application. The Environment Agency has not raised an objection on the grounds of flood risk. The development is classed as “less vulnerable” development on a site up to 1ha in size to which the Environment Agency’s standing advice applies. However, the development also needs to pass the sequential test as set out in the NPPF. The applicant has, to date, not provided sufficient information to address this test satisfactorily and further information is being sought in this regard and will be reported to committee in the

update sheet. The observations of both Drainage and the Environment Agency with regard to the disposal of surface water and ground water contamination are addressed by conditions.

Contamination: The issue identified by Noise and Pollution Control related to ground gas contamination can be satisfactorily dealt with by condition.

Amenity of nearby occupiers: The site is located within a mixed industrial/commercial area and as such it is considered that the proposed uses are compatible with this and would not adversely impact upon the amenity or business operations of nearby occupiers.

Aligned Core Strategy Policies 1 and 10 and Local Plan policies NE9, NE10 and NE12 are therefore satisfied.

8. SUSTAINABILITY / BIODIVERSITY (Aligned Core Strategy policy 1)

- 8.1 The aim for the development is to achieve a BREAAAM very good rating and to exceed the performance requirements set out in the Building Regulations by reducing energy demand, including achieving high air-tightness and insulation and maximising the use of natural daylighting into the building. Further details of the means of securing a 10% reduction in carbon emissions over and above the Building Regulations is required by condition. On this basis Policy 1 of the Aligned Core Strategy is satisfied.

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

Work in Nottingham: By creating employment opportunities.

14 CRIME AND DISORDER ACT IMPLICATIONS

None

15 VALUE FOR MONEY

None.

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

1. Application No: 16/00887/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O5XK11LYK7B00>
2. Email dated 27.06.2016 from Noise and Pollution Control
3. Email dated 26.05.2016 from Drainage
4. Letter dated 26.05.2016 from Environment Agency
5. Highway observations dated 24.05.2016 and 05.07.2016

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (2014)
NPPF

Contact Officer:



Mrs Janet Keble (Tues, Wed, Thurs), Case Officer, Development Management.
Email: janet.keble@nottinghamcity.gov.uk Telephone: 0115 8764056

NOMAD printed map



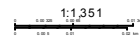
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Key

-  City Boundary
-  Planning Application Polygons

Description
No map description

Nomad web map printed by a Nomad user at 12:57, 12/07/2016



My Ref: 16/00887/PFUL3 (PP-05069804)
Your Ref:
Contact: Mrs Janet Keble (Tues,Wed,Thurs)
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

Blackstaff Architects
FAO: Mr Jason Goldring
2 College House
Citylink Business Park
Durham Street
Belfast
BT12 4HQ

Date of decision:

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

Application No: 16/00887/PFUL3 (PP-05069804)
Application by: Sytner Group LTD
Location: Site Corner Of Bull Close Road And, Thane Road, Nottingham
Proposal: Two storey car showroom and associated works.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until such time that a Construction Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out the provision to be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of nearby occupiers in accordance with Policy T3 of the Local Plan Policy and Policy 10 of the Aligned Core Strategy.



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Continued...

3. The development shall not be commenced until a Remediation Strategy, based on the conclusions of the Phase 1&2 Geo-Technical & Geo-Environmental report carried out by Eastwood & Partners on behalf of the Sytner Group (Ref 39518-04 10 May 2016) has been submitted to and approved in writing by the Local Planning Authority. The strategy should contain:
- a) Results of ground gas monitoring.
 - b) A Remediation Plan, 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).
 - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) 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: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Local Plan.

4. The development shall not be commenced until all drainage details have been submitted to and approved in writing by the Local Planning Authority.

The provision shall reduce peak surface water run-off by 30% relative to the site's previous use and shall prevent the unregulated discharge of surface water to the public highway. This provision shall then be retained for the life of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage, 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 Local Plan and Policy 1 of the Aligned Core Strategy.

5. No above ground development shall be commenced until details of the external materials have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the building in accordance with Policy 10 of the Aligned Core Strategy.

6. No above ground development shall be commenced until a scheme to achieve a 10% reduction in carbon emissions over and above the Building Regulations 2010 Part L2A has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a sustainable development in accordance with Policy 1 of the Aligned Core Strategy Policy 1 and Policy NE14 of the Local Plan.



7. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

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

8. The development shall not be commenced until an application and draft designs for a Traffic Regulation Order on Bull Close Road to provide suitable visibility splays have been submitted to and approved in writing by the Local Planning Authority, to obtain in principle approval. The developer shall thereafter pursue implementation of the agreed design in accordance with the requirements of the Road Traffic Regulation Act 1984.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

9. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

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

Pre-occupation conditions

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

10. The development shall not be occupied until secure, covered and lit cycle parking facilities have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the area identified for parking cycles shall not be used for any purpose other than the parking of cycles.

Reason: To ensure that the layout of the development is satisfactory and to ensure that the layout of the development is satisfactory and to promote a sustainable element of travel in accordance with Policy T3 of the Local Plan.

11. The development shall not be occupied until the following have been submitted to and be 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: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.



12. The development shall not be occupied until the parking/turning/servicing areas have been provided in accordance with the approved drawings. Thereafter, the parking/turning/servicing areas shall only be used for the purposes approved.

Reason: To ensure that the layout of the development is satisfactory in accordance with Policy T3 of the Local Policy.

13. The development shall not be occupied until the sustainable design measures approved under Condition 6 have been implemented.

Reason: In the interests of providing a sustainable development in accordance with Policy 1 of the Aligned Core Strategy and Policy NE14 of the Local Plan policy.

14. The development hereby approved shall not be brought into use until a Travel Plan detailing measures and targets to reduce single occupancy car journeys to and from the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote the use of sustainable means of transport to comply with of the Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan.

15. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory, in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

16. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying aquifers from contamination from the land raising activity that occurred at the site previously in accordance with Policy NE9 and NE10 of the Local Plan.

17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying aquifers from contamination from the land raising activity that occurred at the site previously in accordance with Policies NE9 and NE10 of the Local Plan.



18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the underlying aquifers from contamination from the land raising activity that occurred at the site previously in accordance with Policy NE12 of the Local Plan.

19. The telescopic bollards at the access to the site from Thane Road must be retracted to allow access at all times during the hours of business.

Reason: In the interests of highway safety in accordance with Policy T3 of the Local Plan.

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

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

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

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

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 10 May 2016.

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. Contaminated Land, Ground Gas and Groundwater

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. The Remediation Strategy must also provide details of:

'Cut and fill' operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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 Environmental Health 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 Environmental Health 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.

4. HIGHWAYS RELATED INFORMATION Planning consent is not consent to work on the highway. To carry out the off site works on Thane Road and Bull Close Road associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

In the interests of highway safety it will be necessary to amend the existing Traffic Regulation Order at the applicant's expense. As a general rule, Traffic Regulation Orders (circa £7-10k payable by the applicant) can take upwards of 6-9 months to complete. For specific queries relating to the TRO process please contact Scott Harrison on 0115 876 5245 or by email at scott.harrison@nottinghamcity.gov.uk.



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: 16/00887/PFUL3 (PP-05069804)

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/pcs.

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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Not for issue

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WARDS AFFECTED: Sherwood

Item No:

PLANNING COMMITTEE
20th July 2016

REPORT OF HEAD OF PLANNING

14 Victoria Crescent, Nottingham

1 SUMMARY

Application No: 16/00607/PFUL3 for planning permission

Application by: Haven Architecture Ltd on behalf of Ms E Hipkiss Mr L Phillips

Proposal: New first floor and two storey side extension to create two storey dwelling. New boundary wall and gates.

The application is brought to Committee by request of a Local Ward Member due to the level of concern raised by neighbouring residents.

To meet the Council's Performance Targets this application should be determined by 22nd July 2016.

2 RECOMMENDATIONS

1. Grant permission subject to the conditions listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

3.1 The application site is located within a Primarily Residential Area and the Mapperley Park/Alexandra Park Conservation Area. It is currently occupied by a single storey dwelling of modest height (5.4 metres) with a narrow street frontage and its main entrance on the side (west) elevation facing 12 Victoria Crescent. The dwelling is of a 1960's style and is understood to have been constructed on a former tennis court of a neighbouring property on Richmond Drive. The property is of little architectural merit, although the low height and shallow pitched roof gives it a limited presence in the streetscene. There are a number of mature trees and shrubs on the application site, including a large walnut tree to the western boundary of the site close to 19 and 21 Richmond Drive. The site is currently partially bounded to the front with timber close boarded fencing. Off-street parking is available at the front of the dwelling.

3.2 The application site is bounded on either side by 12 and 16 Victoria Crescent, traditional Edwardian 2 and 3 storey detached dwellings. To the rear of the site are properties on Richmond Drive and these are again of traditional Edwardian/Victorian style. Victoria Crescent slopes steeply down from the north with no. 16 being on a higher ground level than the application site and no. 12 being set on lower ground.

- 3.3 Planning permission for an extension to the front of the existing garage at the property was granted in January 2014 and remains extant (13/02762/PFUL3).

4 DETAILS OF THE PROPOSAL

- 4.1 This application is seeking permission for the erection of a new first floor over part of the existing dwelling and a two storey side extension to create a 2-storey dwelling on the site. A new boundary wall and vehicular access gates are also proposed.
- 4.2 Following the submission of amended plans the application is proposing the construction of a first floor with mono-pitch roof sloping away from 16 Victoria Crescent in powder coated standing seam for a depth of 13.5 metres. The rearmost 5.3 metres of the dwelling would remain as single storey with the existing pitched roof being removed and replaced with a flat roof finished with sedum. To the western side elevation a 2-storey extension is proposed in front of the existing main entrance, this too would have a mono-pitch roof. The extensions are proposed to be constructed in render and brick cladding with aluminium window frames.
- 4.3 The proposed extensions would result in the creation of 5-bedroom dwelling with generous ground floor living accommodation. The amended plans show windows serving first floor principal rooms predominantly within the front and rear (north and south) elevations. High level windows are proposed within the side elevations at first floor level.
- 4.4 Amended plans show a front boundary wall of approximately 1.8 metres in height as it steps down the slope in the road on Victoria Crescent. The proposed wall would replace the existing close boarded fencing to the front and 2 solid timber gates would allow access to the site.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

11 Neighbours notified of the original proposal on 8th April 2016.

6a; 7 (ground & first floor flats); 12; 16 Victoria Crescent; 17; 19; 19a; 21; 23; 25 Richmond Drive.

11 Neighbours plus contributors notified of the amended plans on 24th May 2016.

Site notice displayed on the 8th April 2016.

Press notice published on the 20th April 2016.

Public consultation period expired on 23rd June 2016 (following the grant of an extension for the submission of comments due to the amended plans being submitted just before the school half term holiday).

Responses to the original plans:

Neighbour, 12 Victoria Crescent:

- Proposed works will have a significant and detrimental impact on the residential

amenities of both the property and garden of 12 Victoria Crescent by virtue of overlooking and overshadowing from substantial windows and side facing balcony. This is exacerbated further by the removal of trees along the common boundary, understood to be consented by the Council.

- Development is considered to be harmful to the character and appearance of the Conservation Area and contrary to existing development plan policies and the NPPF advice.
- Victoria Crescent is on a steep incline and no. 12 is positioned at a lower ground level to the application site. At present the eaves line of no. 14 is ground floor level to no. 12 and views from no. 12 are onto the side wall of the bungalow which is acceptable as light feeds into the neighbouring property over the low ridge height of the bungalow ensuring that it does not appear intrusive, overbearing or does it overshadow the house and garden at no. 12. The current arrangement affords a high level of privacy to no. 12's property and garden.
- The proposal is effectively the replacement of a modest low height bungalow with a new two-storey house. It is requested that the applicant be asked to explicitly confirm that the works do not entail the substantial demolition of the dwelling and its replacement with a new dwelling. If this is the case the application is incorrectly submitted.
- Such a large expanse of glazing to the side wall is not appropriate where dwellings are in close proximity to each other and will result in a very different outlook from no. 12, particularly in the winter when the deciduous trees have lost their leaves.
- There is an application pending consideration for extensions to no. 12 which has been designed with full consideration of any impact upon neighbours.
- There is guidance on other Council websites that quote: there should be a minimum of 22 metres between habitable room windows and 13 metres between habitable room windows and a wall exceeding the height of that window. These distances are relevant on flat ground; on sloping ground an increased distance is required. If these standards cannot be fully provided overlooking can be reduced by: i) screen walls or fences; ii) obscure glazing; iii) the installation of high level windows or roof lights. The use of side windows in extensions adjacent to boundaries should be avoided, as a view across adjacent land/gardens, or adequate light, cannot be assumed.
- The Design Statement submitted with the application fails to discuss the relationship of the application site with 12 Victoria Crescent.
- Privacy within garden areas is a character of the Conservation Area. The proposed expanse of glass facing the boundary with no. 12 violates the very nature of what the Conservation Area is trying to conserve.
- The most usable part of the garden at no. 12 is that immediately to the side of the application site as this is level and receives most of the sunshine throughout the day. The garden at no. 12 whilst large, has several unusable areas as it is on a steep incline from the patio to the rear of the garden.
- No objection to the plot being developed but more consideration should be given to how the property can be extended sympathetically not just how large it can be made. The first floor and roof should be redesigned to be more respectful to the neighbours and thus smaller in its design to minimise overshadowing.
- Design of the proposal is unattractive and looks like a commercial office unit not a family home. The design has not achieved its task in creating something which will benefit the streetscene visually and will actually look out of place. Therefore in its current state the plans should be rejected; requiring serious amendment before any future applications are submitted.
- The plans show a gate and new boundary wall on part of the land belonging to

no. 12 where no. 14 have right of access. This has not been agreed to and ask that the front wall and gate be redesigned.

Neighbour, 17 Richmond Drive:

- This proposed development is too large for the space.

Neighbour, 16 Victoria Crescent:

- The property at 16 Victoria Crescent will have originally been designed to allow the rooms on the western elevation to take advantage of the outlook and views down the Crescent and across Nottingham. The current proposal would result in this historic house that has been sympathetically restored over the past 4 years losing these elements.
- This proposal will affect the views from our property.
- Windows to be inserted in the side of the proposed dwelling facing their property will directly look into their side facing windows at very close range resulting in a loss of privacy and outlook to their affected rooms.
- The bungalow extends some distance beyond the back wall of 16 Victoria Crescent, and as such the impact in relation to overshadowing and also loss of privacy extends not only to the side of number 16 Victoria Crescent but also to the most private area of the garden immediately behind the house.

Mapperley Park Residents Association:

- Believe that the amenity of no. 12 is seriously infringed and the amenity of no. 16 is partially infringed by the proposal.

Nottingham Civic Society:

- Removal of the bungalow is not a problem, its replacement with a building 2-storey in height could have a greater impact upon the settings of heritage assets nearby. The proposed shallow pitched roof appears somewhat at odds with the traditional Mapperley Park roofscapes of steeper pitches.

Neighbour, 19 Richmond Drive:

- There would be overlooking to properties at the rear on Richmond Drive due to the proposed increase in height and provision of a balcony.
- This proposal is too ambitiously modern to be sited alongside the Edwardian dwellings of 19 and 19a Richmond Drive.

Neighbour, 21 Richmond Drive:

- Disappointed to have learnt about this through a council letter rather than informal engagement with the owners themselves.
- A building with variable heights, a feature of many of the older buildings, which still allows views across the site would be more appropriate. The current proposed design does little to relieve the stark rectilinear building form.

Responses to the amended plans:

Mapperley Park Residents Association:

- The proposal will add a significant mass of building into what feels like the back garden space of the urban block.
- An improvement in that the first floor habitable room windows do not overlook the neighbours back gardens, however, the resulting elevations that face 12 and 16 are high, bland and imposing and there is a full height corner window directly overlooking the back garden of 12 Victoria Crescent.

- The positioning of the proposed two-storey extension would require the cutting back of trees in the garden of 12 Victoria Crescent.
- The submitted plans are confusing.

Neighbour, 12 Victoria Crescent:

- The reduction in the bulk of the building is an improvement on the previous proposal, however the design and materials are still unsympathetic to the character of the Conservation Area and of a quality which is very clearly unsuitable for this special area.
- Concerned that the flat roof element will be extended upon at a later date under permitted development.
- Plans remain unacceptable to occupants of 12 Victoria Crescent in that they will still cause a significant loss of privacy through overlooking, have an overbearing impact due to increased bulk and mass and will result in loss of residential amenity.
- Remains detrimental to the character of the Conservation Area.
- Full height corner window to the west elevation of the proposed new dwelling will result in direct overlooking to 12 Victoria Crescent. Strongly object to any windows facing no. 12, windows in the new dwelling should look out to the front and back elevations on the site, be discrete and be oriel in style so as to avoid overlooking.
- The proposed height of the dwelling along with the now proposed 2-storey extension to the west elevation will bring the dwelling closer to the boundary with 12 Victoria Crescent and due to the change in level the dwelling will appear as 3-storey from the neighbouring property and garden.
- The proposed dwelling would be visible from the gardens of properties on Victoria Crescent and Richmond Drive due to its positioning 2/3 into its plot compared to the most properties that sit 1/3 into their plot. This would be incongruous.
- Do not feel that an extension of the size proposed is needed, the re-design results in an extension close to the boundary with 12 Victoria Crescent which increases the mass considerably. There is clearly scope downstairs for further guest room accommodation to be provided.
- Concerned about the mature and established trees on the boundary which are within the garden of 12 Victoria Crescent and will be affected by the proposed extension. Feel that the cutting back of these trees is inappropriate and will further affect privacy and exacerbate the issue of overbearing impact.
- There appears to be some confusion in relation to the height of the roof and would like this clarifying. Such errors make it very difficult to visually assess the true impact of the proposal.
- The levels shown on the new site layout appear to be entirely fictitious as 16 Victoria Crescent seems to be considerably higher than it actually is. Surveyors have not accessed neighbouring land indicating that the development has not properly taken into consideration the height of the proposed roof in relation to no. 16.
- Other details on the plans are either vague or appear incorrect. This inaccurate information means it is necessary to proceed with caution over the proposals
- No second storey should be allowed on this bungalow. It should maintain its low profile within the streetscene. It has recently been exposed by the removal of fence panels. It is clear that any increase in height at the front would visually compete with the surrounding historic Edwardian houses.
- All of the newer houses on the street in infill plots are single storey so as to avoid competing with the original historic houses. Would be more appropriate to

add accommodation within the existing roof space. If this is allowed it would set a precedent for other bungalows in similar plots to do the same.

- Query the original consent for the bungalow and whether a further storey is actually permitted.
- Proposed render to the front wall would be incongruous. Small front gate is of a poor design and would be difficult for the applicants to drive onto their land.
- Design is unimaginative, unattractive and very poor. The proposed building is at odds with the surrounding area. Would expect design proposals to look to surrounding shapes, colours and materials to create an exceptional example of modern day architecture. It would appear that the applicants wish to make as large a property as possible for as little cost as possible. Any new design should aim to retain the low profile always intended, keep the property hidden from the street and meet the quality expected in a Conservation Area.
- The proposal would result in a very large dwelling 287.65 sq. m (external floorspace) compared to an average generous modern 5 bedroom 2-storey dwelling of approximately 195 sq. m.
- Whilst it is acknowledged that Mapperley Park has been subject to change from infill development in the past, particularly with bungalow development, the proposed extensions, which effectively replace the bungalow with a significantly larger house introduces a new built form here which is considered out of scale with the existing plot size and the hierarchy of buildings within the streetscape and in doing so undermines the visual hierarchy of this part of Victoria Crescent.
- The full height glazing to bedroom 1 appears to be as such to enable conversion of the sedum roof to a balcony in the near future. Should planning permission be granted a condition should be added to any consent stating the permission would be required for such works.
- The omission of a first floor towards the rear of the building will reduce the impact to an extent in relation to the rear garden but is offset by the new side extension which will be clearly visible from both the house and garden. Its close proximity is such to appear intrusive and overbearing.
- The proposed revised extensions have not sought to incorporate the existing character and scale of the single storey building into the proposed house but sought to achieve a new dwelling in both scale and character on this site which still reflects the original proposal.
- Views, particularly by virtue of glimpses, within the Conservation Area would be lost through the increase in the ridge height of the proposal.
- The Mapperley Park and Alexandra Park Conservation Area and Management Plan (2007) refers to large gardens providing a “valuable sense of space and mature landscapes” which we should preserve for future generations (paragraph 5.1).
- The choice of materials and design elements introduced to resolve neighbour amenity issues introduces alien and discordant features at odds with the character and appearance of this part of Victoria Crescent.

Neighbour, 17 Richmond Drive:

- Object to the resubmission, which looks like a complete new build, and will have significant detriment to neighbours and is not in keeping with the Mapperley Park Conservation Area.

Neighbour, 21 Richmond Drive:

- The reduction in bulk of the building is an improvement, however, the design and materials are still unsympathetic to the character of the Conservation Area.
- Concerned that the introduction of the flat roof area and reduction in scale is to

secure planning permission but will be later extended to the size and scale of the proposal under permitted development.

- The odd arrangement of panels of different materials do not present a coherent whole, in particular the brick cladding, a material most frequently used on short lived industrial buildings, will appear fake and unduly precise. It is a material most commonly seen in commercial outlets and as such has no place in a conservation area.
- There are no public benefits to the proposal, it will result in harm to the character and appearance of the conservation area and the setting of nearby older buildings which are the essence of the area. The proposal does not meet the requirements for historic areas set out in national policy.

Neighbour, 16 Victoria Crescent:

- It is assessed that virtually the whole length of the side of 16 Victoria Crescent will face, at close range, the side of the two storey extension. This along with the introduction of side facing first floor windows, albeit to bathrooms, will inevitably be a perception of being overlooked and an ability to look into the large side facing windows in 16 Victoria Crescent which will result in a diminution of residential amenities.
- By virtue of the position, height and bulk of the first floor extension there will be an overshadowing of side facing windows and the area of garden behind the dwelling at 16 Victoria Crescent. In addition there will be unacceptable overlooking from the first floor rear windows, in particular the first floor glazed wall to bedroom 1, which will facilitate wide views of the rear garden at ground level (due to the levels difference between the site) and the loss of the high level of privacy currently enjoyed at the property.
- It is not considered that the amended plans reduce the impact on no. 16 to a sufficient level to address visual impact issues, especially in relation to the views afforded from no. 16 over the top of the existing bungalow.
- The large increase in the size of this property is contrary to policy requiring a mix of dwelling types and sizes within an area.

Additional consultation letters sent to:

Conservation & Design: Following the submission of amended plans it is felt that on balance and subject to conditions on materials, the application would preserve the special architectural character of the Conservation Area and would comply with policy BE12 of the Nottingham Local Plan and section 12 of the NPPF.

Tree Officer: No objection.

Pollution Control: No objection. Construction and demolition informative to be imposed.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.

6.2 Paragraph 17 of the NPPF lists the core planning principles that should

underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and to identify the significance of the heritage asset. The NPPF advises that Local Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contributions they can make to sustainable communities, including their economic viability and to local character and distinctiveness.

- 6.3 Paragraph 131 of the NPPF advises that, in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.

Aligned Core Strategy (2014)

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 - development proposals will be expected to mitigate against and adapt to climate change.

Policy 10: Design and Enhancing Local Identity - new development should be designed to: create an attractive, safe, inclusive and healthy environment.

Policy 11: The Historic Environment - seeks to conserve and/or enhance the historic environment and heritage assets in line with their interest and significance.

Nottingham Local Plan (November 2005):

BE12 - Development in Conservation Areas.

NE5 - Trees.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Design and impact upon the Mapperley Park/Alexandra Park Conservation Area
- (ii) Residential amenity

Issue (i) Design and impact upon the Mapperley Park/Alexandra Park Conservation Area and Trees (Section 12 of the National Planning Policy Framework; Policies NE5 and BE12 of the Local Plan; Policies 10 and 11 of

the Aligned Core Strategy; Mapperley Park/Alexandra Park Conservation Area Appraisal 2007)

- 7.1 The application site is located within a Primarily Residential Area as defined by the Local Plan. There is therefore no objection in principle to residential extensions, provided that they comply with the other policies of the development plan.
- 7.2 The proposed extension is considered to be of an appropriate scale and design for this location within the Mapperley Park/Alexandra Park Conservation Area. It is proposed to extend the bungalow, which is currently of no notable architectural value, by adding an additional storey and significantly altering the appearance of the elevations by changing window and door openings, the roof profile and the facing materials. The elevations would all be remodelled to feature aluminium framed windows, cream coloured render, red brick cladding and mono pitched and flat roofs. Because of the building's siting and profile, its impact on the streetscene would remain relatively low following completion of the proposed works. Although the first floor extensions would lead to an increase in the building's overall mass, the maximum height of the building is increased by only 1.55m and the front elevation's proportions would remain domestic in scale.
- 7.3 The Mapperley Park/Alexandra Park Conservation Appraisal seeks to resist extensions on the front or principal elevations, and secure extensions that are of subordinate scale. However, it is considered that the application proposal is a comprehensive remodelling of the original building and that it is appropriate to consider the proposals against the guidance for new development. All proposals for new development must be in keeping with the character of the residential area, taking into account the physical scale and form of the prevailing area; existing trees; and the impact in the street scene. Any proposal that harms this character will be resisted. The appraisal notes that boundary walls should be of Bulwell Stone.
- 7.4 The Appraisal requires all new developments to be carefully designed having regard to their context, using good quality materials and architectural detailing. Buildings should be set back from the road, and set within landscaped grounds. Existing trees, where they make a contribution to the visual amenities of the Area, and boundaries, should be retained.
- 7.5 As a remodelling of an existing property, the application does not involve the development of a previously undeveloped garden. The development is well designed in its own right and it is considered that it will make a positive contribution to local character and distinctiveness by virtue of being a distinct modern structure that adds to the overall history and development of the Conservation Area. The proposal is therefore considered to represent a form of development that will enhance the Conservation Area.
- 7.6 It is recommended that any grant of planning permission is subject to a pre-commencement condition in relation to the approval of all external materials to ensure the development is of an acceptable high quality commensurate with its Conservation Area location.
- 7.7 The quality of detail, proportions and ratios of solid to void on the east and west elevations, are slightly compromised by the constraints of the site and the need to minimise overlooking of neighbouring properties. However, these elevations will have a minimal impact on the character of the conservation area and would not in

themselves make the scheme unacceptable from a conservation perspective.

- 7.8 The amended plans show a 2-storey extension to the western elevation in close proximity to trees within the neighbouring (12 Victoria Crescent) property. The two closest trees are a Damson and a Laburnum which are considered to add little to the character of the Conservation Area and the council's tree officer advises that a TPO could not be justified. On this basis no tree protection condition is required should planning permission be granted.
- 7.9 For the reasons above it is felt that on balance and subject to conditions on materials, the application would preserve and enhance the special architectural character of the Conservation Area and would comply with Policy BE12 of the Nottingham Local Plan, Policies 10 and 11 of the Aligned Core Strategy and section 12 of the NPPF.

Issue (ii) Residential amenity (Policy 10 of the Aligned Core Strategy)

- 7.10 Having regard to the design, scale, location and outlook from the proposed development, and the relationship with the site boundaries, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook.
- 7.11 The amended plans have reduced the extent of the first floor extension adjacent to the boundary with 16 Victoria Crescent both by way of height and depth. The dwelling at no. 16 is Edwardian in age and was designed to take advantage of the far reaching views to the west. 16 Victoria Crescent sits above the application site by approximately 3.4 metres with its lower ground floor level being in line with the current eaves height of the bungalow at no. 14. No. 16 has a number of principal windows on the western elevation all of which look out onto the existing pitch roof, with the exception of those at lower ground level which have a view of the side boundary fence. The amended proposal, with the reduced height mono-pitch roof to the front portion of the original footprint of the bungalow, and the removal of the existing roof pitch to the rear of the original bungalow, would maintain the outlook from the main ground floor living area of number 16.
- 7.12 Whilst it is accepted that the new first floor will be visible from the secondary, linked living area on the ground floor, and also from the first floor bedroom, it is considered that the impact on these rooms will be acceptable in terms of light and outlook due to the distance away from these windows that the increased roof height will be (approximately 11 metres).
- 7.13 The windows to the lower ground floor have a relatively limited outlook and whilst it is accepted that the first floor extension would be visible from these windows, it is considered that it would not have an overbearing impact, and that the effect on sunlight/daylight would be acceptable. Concern has been expressed by the occupants of 16 Victoria Crescent regarding overlooking and loss of privacy from and to the proposed windows within the first floor side elevation. The amended plans show these as being high level and obscurely glazed to serve bathrooms on the first floor. It is considered reasonable to condition that these remain obscurely glazed and fixed, as annotated on the plans, to ensure no loss of privacy.
- 7.14 The amended plans show a significantly reduced level of glazing to the west elevation to prevent direct overlooking and subsequent loss of privacy to the neighbouring property at 12 Victoria Crescent. The glazing which has been

retained on this elevation would be at a high level (over 1.7 metres above the floor level) and would add both interest to this elevation and bring in natural light to the rooms they serve. Part of the large window serving bedroom 1 is shown on this western elevation and it is considered necessary and reasonable for this to be obscurely glazed and fixed as this could look into the private rear garden area of 12 Victoria Crescent. Whilst the property at 12 Victoria Crescent is located on ground at a lower level than the application site the distance between the proposed development and the existing dwelling at no. 12 along with the presence of mature trees and shrubs on the boundary would prevent any significant loss of amenity through overbearing impact or loss of natural light. The outlook from the window serving bedroom 5 within the proposed 2-storey extension to the western side of the application site would be down the garden of the application site, and so this room would not directly overlook the private garden area of the neighbouring property.

- 7.15 There would be a distance of 25 metres from the rear elevation of the first floor element of the extension to the boundary of the application site. This is considered to be sufficient to prevent any significant overlooking or loss of privacy to the dwellings at the rear of the site on Richmond Drive.
- 7.16 Overall with the use of conditions where necessary and reasonable it is considered that the amended plans have overcome concerns relating to the amenity of neighbouring properties and the proposal therefore complies with Policy 10 of the Aligned Core Strategy.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 A sedum roof is to be incorporated in the rear section of the building. The extension would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. As an extension to an existing dwelling it is considered that this is sufficient to satisfy the requirements of Policy 1.

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

None.

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: 16/00607/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O46G45LYFFP00>
2. Pollution Control comments 12th April 2016
3. Letter on behalf of 12 Victoria Crescent 19th April 2016
4. Letter on behalf of 16 Victoria Crescent 19th April 2016
5. Letter from 12 Victoria Crescent 25th April 2016
6. Public Access e-mail from 17 Richmond Drive 26th April 2016
7. E-mail on behalf of Mapperley Park Residents Association 27th April 2016
8. Letter from 16 Victoria Crescent 29th April 2016
9. Public Access e-mail and E-mail from 21 Richmond Drive 9th May 2016
10. Public Access e-mail from Nottingham Civic Society 9th May 2016
11. E-mail from 19 Richmond Drive 9th May 2016
12. E-mail on behalf of Mapperley Park Residents Association 3rd June 2016
13. Public Access e-mail from 12 Victoria Crescent 4th June 2016
14. Public Access e-mail from 17 Richmond Drive 6th June 2016
15. E-mail from 21 Richmond Drive 14th June 2016
16. Letter from 12 Victoria Crescent 21st June 2016
17. Letter on behalf of 12 Victoria Crescent 21st June 2016
18. Clarification e-mail from agent 21st June 2016
19. Conservation Officer comments 21st June 2016
20. Letter on behalf of 16 Victoria Crescent 21st June 2016
21. Letter from 16 Victoria Crescent 23rd June 2016

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Mapperley Park/Alexandra Park Conservation Area Appraisal (February 2007)

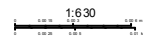
Contact Officer:

Mrs Rachel Gaskell (Mon, Tue And Fri), Case Officer, Development Management.
Email: rachel.gaskell@nottinghamcity.gov.uk. Telephone: 0115 8764052



NOMAD printed map



Nomad web map printed by a Nomad user at 14:15, 12/07/2016



Key

-  City Boundary
-  Planning Application Polygons

Description

No map description

My Ref: 16/00607/PFUL3 (PP-04907694)
Your Ref:
Contact: Mrs Rachel Gaskell (Mon, Tue And Fri)
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

Haven Architecture Ltd
FAO: Mrs Judy Carr
The Haven
70 Main Street
Willoughby On The Wolds
Loughborough
LE12 6SZ

Date of decision:

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

Application No: 16/00607/PFUL3 (PP-04907694)
Application by: Ms E Hipkiss Mr L Phillips
Location: 14 Victoria Crescent, Nottingham, NG5 4DA
Proposal: New first floor and two storey side extension to create two storey dwelling. New boundary wall and gates.

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

Time limit

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

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

Pre-commencement conditions

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

2. Prior to the commencement of the development, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) details or representative samples of all external materials to be used in the construction of the extension hereby permitted;
 - b) details of all windows and doors, including cross-sections and reveal depths;
 - c) details of eaves, fascias, soffits, gutters and downpipes.

Reason: To ensure a high quality development in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.

Pre-occupation conditions

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



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Regulatory/ongoing conditions

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

3. That part of the window serving bedroom 1 within the first floor western elevation shall be obscure-glazed and non-opening, and shall be retained as such for the lifetime of the development.

Reason: In the interests of residential amenity to prevent direct overlooking and loss of privacy to the neighbouring property, in accordance with Policy 10 of the Aligned Core Strategy.

4. The windows within the first floor eastern side elevation shall be obscure-glazed and non-opening, and shall be retained as such for the lifetime of the development.

Reason: In the interests of residential amenity to prevent direct overlooking of the neighbouring property, in accordance with Policy 10 of the Aligned Core Strategy.

5. There shall be no direct access from the first floor to the flat roof to the rear of the building, and the flat roof shall not be used as a balcony or sitting out area at any time.

Reason: In the interests of residential amenity to prevent direct overlooking and loss of privacy to the neighbouring property, in accordance with Policy 10 of the Aligned Core Strategy.

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 17 March 2016.

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

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)

Saturday: 0830-1700 (noisy operations restricted to 0830-1300)

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

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.



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RIGHTS OF APPEAL

Application No: 16/00607/PFUL3 (PP-04907694)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
20th July 2016

REPORT OF HEAD OF PLANNING

79 Holgate Road, Nottingham

1 SUMMARY

Application No: 15/02486/PFUL3 for planning permission

Application by: Ashton King on behalf of Mr Amar Ali

Proposal: Change of use to children's learning centre.

The application is brought to Committee given the level of public interest.

To meet the Council's Performance Targets this application should have been determined by 20th June 2016.

2 RECOMMENDATIONS

1. Refuse permission for the reason set out in the draft decision notice at the end of this report.

3 BACKGROUND

- 3.1 The application site is a three storey end terrace property located at the corner of Holgate Road and Woolmer Road in the Meadows. It is currently vacant. The authorised use is as a corner shop with living accommodation at the rear on the ground floor and on the upper floors.
- 3.2 In 2013 a complaint was received that the ground floor of the property was being used as a children's learning centre. Subsequently an application ref 13/02891/PFUL3 for retrospective planning permission to use the ground floor as a children's learning centre was submitted in late 2013. This application was eventually withdrawn by the applicant in 2015. During the intervening period the unauthorised use of the ground floor continued for a period and at some point during 2014 the use ceased and the property has remained vacant since. The applicant has advised that the use is currently operating from Queens Walk Community Centre.
- 3.3 The surrounding area is primarily residential comprising terrace properties with no off street parking. It is defined as a Primarily Residential Area in the Local Plan.

4 DETAILS OF THE PROPOSAL

- 4.1 A planning application has now been submitted seeking planning permission for the use of the property as a children's learning centre. The application as originally

submitted also included reference to the use of the property for prayers but this element has been withdrawn. The applicant has advised that the children's learning centre will operate from 4.15 pm to 7.30 pm and two sessions would be run within this period with 30 to 45 students at each session. In a supporting statement the applicant has provided information, based upon the children who are currently attending classes at Queens Walk Community Centre, which concludes that most live within a short walk of 79 Holgate Road. This also advises that the owner of Jasup's Convenience Store, 59 Wilford Grove has agreed that parents could park in the car parking area at the rear of his premises whilst they are dropping off and collecting their children.

- 4.2 Layout plans have been submitted with the application which show the former shop and living area on the ground floor as one classroom, with the existing ground floor kitchen converted to an accessible WC. On the first floor would be a further classroom.
- 4.3 The application site is in Flood Zone 3 and a Flood Risk Assessment has been submitted with the application.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

A site notice was posted and the following notified of the application (note this includes respondents to the previous withdrawn planning application and the consultation was on the basis of a change of use to a children's learning centre and prayers):

18 Middle Furlong Gardens, 2 Eckington Terrace, 7 Healey Close, 39 Worwood Drive, West Bridgford, 5, 25, 55 and 70 Wilford Crescent East, 106 Beauvale Road, 56 Beauvale Road, 84 Wilford Grove, , 67 and 69 Glapton Road, 22 Kirkby Gardens, 70 Woolmer Road, 19 Eugene Gardens, 54 Wilford Crescent West, 101 Bathley Street, 1 Barnsley Terrace, 21, 49, 65, 67, 80 and 84 Woolmer Road, 73, 75, 77, 81 and 83 Holgate Road.

116 responses have been received, of which 68 are supportive of the proposal and 46 are objections. An objection has been received on behalf of the Old Meadows Tenants and Residents Association with all comments from individuals, primarily living in the Meadows.

Comments made by those **supporting** the application are summarised as follows:

- Parking will not be an issue as the facility will be within walking distance for its users and concerns of the objectors are over stated and previous use as a shop generated traffic;
- Any vehicular traffic generated by parents delivering and collecting children would be short-lived and as such would not be an issue to local residents;
- Would provide a much needed local and safe facility for local children run by qualified and accredited teachers, helping children to become good members of the community;
- Would provide a choice of children's learning facilities;

- Concern that some of the comments from those opposing the application are fictitious.

Comments made by those **opposing** the application are summarised as follows

- Will create further parking issues in an area where there is already congestion and limited parking space as was demonstrated when the learning centre was in use approximately two years ago;
- Would create noise and disturbance as a result of the people coming and going from the premises, and prayers can be very early in the morning and late at night in summer;
- Were incidents of anti-social behaviour when the centre was last in use whilst children were waiting to be collected;
- Already two learning centres nearby which can accommodate children from the Meadows and another is not required;
- Likely to be other larger religious events in addition to teaching and prayers which would result in more people attending the premises;
- Best use of the property would be as residential accommodation;
- Facilities are not adequate for the number of children who would be attending the learning centre and query whether the means of escape in event of fire would be acceptable;
- Light from the shop windows is bright and disturbing to local residents;
- Question whether the building suitable for disabled people to access and use;
- Concern that some of the comments in support are from family and friends of the applicant.

Comments have also been received concerning the nature of the religious organisation who would use the premises, but this is not a material planning consideration.

Additional consultation letters sent to:

Pollution Control: Recommend that the hours of use of the property should be 08.00am to 08.00pm Monday to Friday and 09.00am to 06.00pm Saturday and Sunday.

Highways: Site visits were conducted in January 2014 when the use was previously active. At the time no complaints had been made to Highways regarding parking outside the centre and it was concluded that the majority of attendees to the centre were observed to arrive on foot. There was a small level of on-street parking generated by the centre, however this was observed to not cause any problems on the highway and left available on-street parking space for other users. The removal of the prayer element from the application

is welcomed; being quite short visits to the centre there is a greater possibility of cars being parked for the duration of these. It is noted from the additional information provided that 31 of the 75 pupils attending live within a 10 minute walk of the site, however it is difficult to ascertain where the remaining 44 would travel from and by which mode.

There is currently no TRO in the close proximity; it recognised that the area is heavily parked and that children living outside the area are likely to be dropped off by car. There is no plan currently to introduce a residents' parking scheme but this may be necessary if additional vehicles cause problems for local residents. As such, investigations need to be made as to whether there is a need for a TRO. A survey is required prior to occupation and 6 months post occupation to understand the impact. The applicant would also be required to provide a Car Park Management Plan, including details of how they will manage on-street parking. A robust Travel Plan will be required and it would also be beneficial for the use of the available car park on Wilford Grove to be secured via legal agreement.

In conclusion, Highways do not object subject to a number of conditions to cover the matters referred to above.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, 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 taken on planning applications. Of relevance to this application is the need to secure high quality design, a good standard of amenity for all existing and future occupants of land and buildings and encouraging the effective use of brownfield land.

Nottingham Local Plan (November 2005):

H7: Inappropriate uses in residential areas

CE1: Community facilities

NE9: Pollution

NE10: Water quality and flood protection

T3: Car, cycles and servicing parking

Aligned Core Strategy (2014)

Policy 10: Design and Enhancing Local Identity

7. **APPRAISAL OF PROPOSED DEVELOPMENT**

Main issues

- (i) Suitability of the building and its' location;
- (ii) Impact upon amenity of nearby occupiers;
- (iii) Highways and parking.
- (i) **Suitability of the building and its location** (Local Plan policy CE1 and Aligned Core Strategy policy 12)

- 7.2 This proposal has generated a significant amount of comment, both for and against the proposal and therefore needs to be carefully assessed against the relevant Development Plan policies. It should be noted that the consultation responses were received on the basis of the application as originally submitted, which was for a children's learning centre and prayers. Local Plan policy CE1 encourages the provision of community facilities subject to criteria, including whether the facility would be available by a choice of means of transport; is well located with regard to the community it would serve; whether it would be compatible with adjoining and nearby uses; whether it would cause congestion; and whether it would impact upon the living conditions of nearby residents, especially in the Primarily Residential Areas.
- 7.3 A key issue to be considered is whether the property itself and its location are suitable for the proposed use. The application site is currently vacant and its last use was a small one room corner shop with living accommodation. In terms of size it is no different to the nearby properties.
- 7.4 Layout plans have been submitted with the application indicating that it is proposed to use both the ground and first floor as a children's learning centre. These plans also show that the existing ground floor kitchen would be converted to an accessible WC. In addition to the use requiring planning permission the internal alterations would also require approval under Building Regulations. However, it is evident on the basis of the information already submitted, that to satisfy Building Regulations a number of alterations would be required which indicate that the property is not well suited to the use proposed. Using the provision of an accessible WC as an example, although the space proposed for this is large enough, the approach to it is not satisfactory and a wheelchair user would not be able to access the room. It would also remove the only kitchen in the property. This issue is indicative of a general concern that the property is not suited to the intensity and nature of use proposed.
- 7.5 With regard to the location of the property relative to the community which the use would serve, additional information has been submitted during the life of the application which indicates that a significant proportion of the children attending the centre, based upon those currently attending classes at Queens Walk Community Centre, would generally be local to the area. This is also borne out by those who have written in support of the use.

- 7.6 Local Plan policy CE1 and Aligned Core Strategy 12 are therefore only partly satisfied in this regard.
- (ii) **Impact upon amenity of nearby occupiers** (Local Plan policies CE1, H7 and NE9 and Aligned Core Strategy policy 10)
- 7.7 The application site is located within a dense residential area of terraced houses and it is physically adjoined to the adjacent property. The prayers element has now been omitted and this removes some of the concerns about noise and disturbance in the early morning and late evening. However, concerns remain that the proposed use as a children's learning centre would be likely to result in noise and disturbance to nearby residents which would have an adverse effect on residential amenity. This would primarily be as a result of the comings and goings to and from the property at the level of intensity proposed. It is also considered that there would be disturbance to the adjoining occupier from the use within the building, particularly on the first floor. This would be contrary to Local Plan policies CE1 (in part), H7 and NE9 and Aligned Core Strategy policy 10.
- (iii) **Highways and parking** (Local Plan policy T3 and ACS policy10)
- 7.8 Additional information has been provided by the applicant providing details of the addresses of the children currently attending the classes at the Queens Walk Community Centre, with a significant number living within walking distance. However, there is a concern that the proposed use would inevitably result in some children attending classes at the learning centre arriving by car. The tight grained residential character of the area, with properties having no off-street parking, is such that it is not felt appropriate to introduce a use which would further add to existing on-street parking. The problems experienced by neighbours in this regard, when the use was previously active at this property, are reflected in a large number of the objections received. The proposal to use a car park adjacent to a shop at 59 Wilford Grove is noted but this is not being offered with any security in planning terms, ie. by way of a legal agreement, and is not considered to be sufficiently convenient to overcome the potential issue of additional vehicular activity which would be likely to be generated by the use. It is noted that Highways do not object to the proposal but they do recognise that there is the potential for the use to exacerbate on-street parking pressures and are therefore recommending that if approved, the proposal should be subject to a number of conditions, including one that could lead to the introduction of a residents parking scheme. Whilst it is recognised that there are insufficient grounds to resist the proposal in highway safety terms, the issue of on-street parking is felt to be one that would add to the adverse impact that the proposal would have on the amenities of neighbours within the immediate vicinity. The proposal would therefore be contrary to Local Plan policy T3 and Aligned Core Strategy policy 10.

Other matters (Local Plan policy NE10)

- 7.9 It should be noted that the issues which have been raised by both supporters and those opposed to the application regarding the need for the proposed use and the nature of the religious organisation, are not material planning considerations that can be taken into account when assessing this application.
- 7.10 The application site is within Flood Zone 3 and Flood Risk Assessment has been submitted with the application. This need to be assessed in the context of the

Environment Agency's standing advice and it is considered to be acceptable. Local Plan policy NE10 is therefore satisfied.

8 FINANCIAL IMPLICATIONS

None.

9 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.

10 EQUALITY AND DIVERSITY IMPLICATIONS

None.

11 RISK MANAGEMENT ISSUES

None.

12 STRATEGIC PRIORITIES

Improving life chances for young people.

13 CRIME AND DISORDER ACT IMPLICATIONS

None.

14 VALUE FOR MONEY

None.

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

1. Application No: 15/02486/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NV6E3TLY00L00>

Email from Noise and Pollution Control dated 18.05.2016

Highway observations dated 25.05.2016 and 2.06.2016

116 letters and emails from residents and citizens

16 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (2014)

National Planning Policy Framework

Contact Officer:

Mrs Janet Keble (Tues, Wed, Thurs), Case Officer, Development Management.

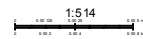
Email: janet.keble@nottinghamcity.gov.uk Telephone: 0115 8764056

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Key



City Boundary



Planning Application Polygons

Description

No map description

My Ref: 15/02486/PFUL3

Your Ref:

Contact: Mrs Janet Keble (Tues,Wed,Thurs)

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Ashton King
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Nottingham

Date of decision:

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

Application No: 15/02486/PFUL3
Application by: Mr Amar Ali
Location: 79 Holgate Road, Nottingham, NG2 2EU
Proposal: Change of use to childrens learning centre

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

1. The proposed use, by reason of the noise, disturbance and on-street parking pressures that it would generate in this tight-grained, primarily residential area, would adversely affect the amenities of nearby residents contrary to Nottingham Local Plan policies CE1, H7, NE9 and T3 and Greater Nottingham Aligned Core Strategy policy 10.

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.



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DRAFT ONLY

Not for issue

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Continued...

RIGHTS OF APPEAL

Application No: 15/02486/PFUL3

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.

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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Not for issue

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