

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

**Units 1 To 4, Queens Road**

**1 SUMMARY**

Application No: 14/01809/PFUL3 for planning permission

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

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

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

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

**2 RECOMMENDATIONS**

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

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

**3 BACKGROUND**

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

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

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

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

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

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

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

- 5.1 5 notification letters were sent to neighbouring occupiers at Units 1-4 Queens Road and Hooters in the Hicking Building opposite. A series of site notices were also posted around the Hicking Building to make residents aware of the planning application and an advertisement placed in the local newspaper.
- 5.2 41 cards and emails have been received supporting the proposal. The vast majority of these are hand written comments on cards that were supplied to residents by the proposed retail operator. The reasons for supporting the new proposal are:
- The store would provide quality foods at affordable prices and are good value for money.
  - The store would be convenient for the local community and provide local people with more shopping choice.
  - The store would be within walking distance for many local residents and would avoid the need to drive to other Aldi stores, or into the city centre and West Bridgford to shop.
  - The store would increase shopping competition in the area.

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

**Additional consultation letters sent to:**

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

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

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

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

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

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

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

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

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

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

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

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

**NET Team:** No objections.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF sets out the core planning principles in paragraph 17, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; encourage the efficient use of land by reusing brownfield land, secure high quality design; promote mixed use developments, conserve heritage assets, support the transition to a low carbon future, to manage patterns of growth to make the fullest

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

- 6.3 Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.4 Paragraph 24 requires the application of a sequential assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF recognises town centres as the heart of communities and local planning authorities should pursue policies to support their viability and vitality. Local authorities should promote competitive town centres that provide customer choice and a diverse retail offer.
- 6.5 Paragraph 56 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development, with paragraph 61 advising this not just limited to architectural appearance but wider design issues such as connectivity and integration of new development into the built and historic environment.
- 6.6 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.7 Paragraphs 128 to 134 sets out the key considerations in determining applications relating to heritage assets. They state that local planning authorities should identify and assess the particular significance of any heritage asset and when considering the impact on the heritage asset, should have regard for its level of significance. The greater the significance of the asset, the more weight should be attributed to its protection. Paragraph 137 considers that LPA's should look for opportunities for new development within conservation areas and within the setting of heritage asserts to enhance and better reveal their significance.

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

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

Policy 1 - Climate Change

Policy 4 - Employment Provision and Economic

Policy 5: Nottingham City Centre

Policy 6 - Role of Town and Local Centres

Policy 7 - Regeneration

Policy 10 - Design and Enhancing Local

Policy 11 - The Historic Environment

Policy 14 –Managing Travel Demand

Policy 17 – Biodiversity

**Nottingham Local Plan (November 2005)**

ST1 – Sustainable Communities.

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

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

BE10 – Development within the curtilage, or affecting the setting

BE12 - Development in Conservation Areas

NE3 - Conservation of species

NE9 - Pollution

NE10 - Water quality and flood protection

NE12 - Derelict and contaminated land

NE14 - Renewable Energy

T3 - Car, cycle, and servicing parking

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

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

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

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

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

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

### **Other documents**

Southside Interim Regeneration Planning Guidance 2003

Nottingham Station Development Brief July 2004

Station Conservation Area Character Appraisal and Management Plan 2008

Nottingham City Centre Urban Design Guide May 2009

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

### **Main Issues**

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

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

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

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

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



sites are considered, a theme continued within the National Planning Policy Framework. This is embodied in the ACS (policy 6) and the saved Local Plan, policy S5 of which states that planning permission for new retail development outside existing centres will only be granted where no other suitable sites are available within existing centres. Policy S5 prioritises retail development on sites that firstly fall within the City Centre or Town Centre, or secondly on the edge of the City Centre or Town Centre or within Local Centres.

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

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

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

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

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

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

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

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

- 7.21 It is likely that a relatively high proportion of visits to the site would come from passing car borne customers. Access for staff, customers and servicing would be provided by the existing access off Queens Road. There are no technical highway objections to this access arrangement and no safety concerns have been raised with regard to highway capacity or congestion. If approved, conditions are recommended relating to a construction management plan, access details (to include pedestrian priority measures), the provision and retention of car and cycle parking, manoeuvring, details of drainage, off-site highway works and a travel plan.

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

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

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

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

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

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

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

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

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

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

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

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

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

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

**14 CRIME AND DISORDER ACT IMPLICATIONS**

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

**15 VALUE FOR MONEY**

None.

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

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

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

NPPF

Greater Nottingham Aligned Core Strategies (2014)

Nottingham Local Plan (November 2005)

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

Southside Interim Regeneration Planning Guidance (2003)

Nottingham Station Development Brief (July 2004)

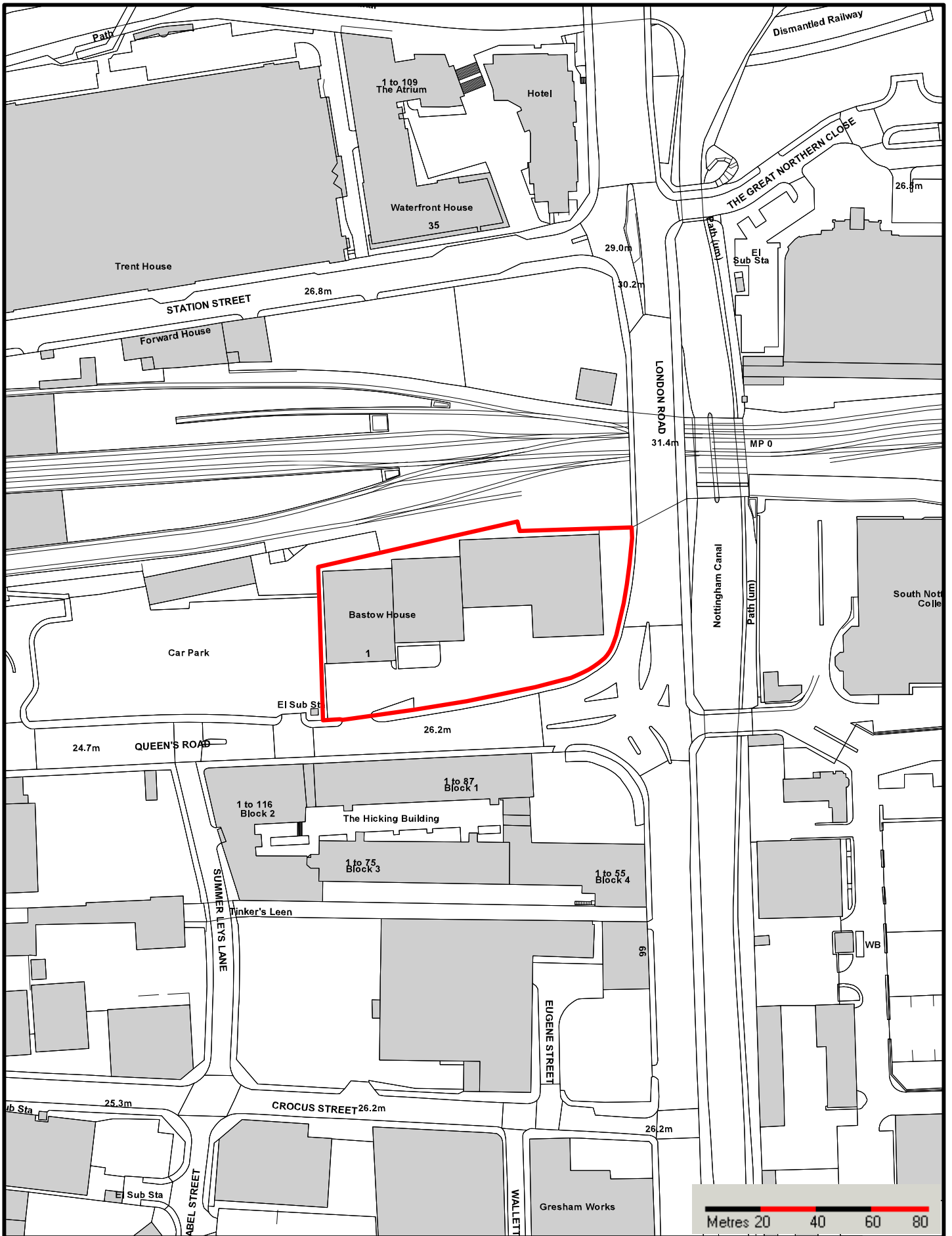
Station Conservation Area Character Appraisal and Management Plan (2008)

Nottingham City Centre Urban Design Guide (May 2009)

**Contact Officer:**

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**Nottingham**  
City Council

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



**Nottingham  
City Council**

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

Date of decision:

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

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

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

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

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

**Notes**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision. Your attention is drawn to the rights of appeal set out on the attached sheet.



Safer, cleaner, ambitious  
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A city we're all proud of

**DRAFT ONLY**  
**Not for issue**

Continued...



## **RIGHTS OF APPEAL**

Application No: 14/01809/PFUL3 (PP-03560678)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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