

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site Of Society Linen And Electricity Substation, Daleside Road

1 SUMMARY

Application No: 1. 15/01104/PFUL3 for planning permission
 2. 15/01105/PFUL3 for planning permission
 3. 15/01039/PVAR3 for planning permission
 4. 15/01042/PVAR3 for planning permission
Application by: Signet Planning Limited on behalf of Cedar House Investments

Proposal: 1. New drive through café and associated works.
 2. Retail unit with mezzanine floor (revision to hybrid planning permission reference 14/01140/POUT).
 3. Variation of conditions 16 and 17 of outline planning permission reference 14/01140/POUT (relating to combined size and number of retail units).
 4. Variation of condition S1 of outline planning permission reference 14/01140/POUT (reduced size of retail terrace and revised elevations).

The applications are brought to Committee because they propose to vary a major development in the Waterside Regeneration Zone which has raised important issues in relation to its local and wider context.

To meet the Council's Performance Targets application 15/01104/PFUL3 should be determined by 18th June 2015; application 15/01105/PFUL3 by 23rd July 2015; application 15/01039/PVAR3 by 15th July 2015; and application 15/01042/PVAR3 by 23rd July 2015.

2 RECOMMENDATIONS

Application Number 15/01104/PFUL3

2.1 GRANT PLANNING PERMISSION subject to:

2.1.1 The indicative conditions substantially in the form of those listed in the draft decision notice at Appendix 1 to this report.

2.1.2 Prior completion of a section s106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.

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

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

2.3 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

Application Number 15/01105/PFUL3

3.1 GRANT PLANNING PERMISSION subject to

3.1.1 The indicative conditions substantially in the form of those listed in the draft decision notice at Appendix 2 at the end of this report.

3.1.2 Prior completion of a section s106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.

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

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

3.3 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

Application Number 15/01039/PVAR3

4.1 GRANT PLANNING PERMISSION subject to:

4.1.1 The indicative conditions substantially in the form of those listed in the draft decision notice at Appendix 3 at the end of this report.

4.1.2 Prior completion of a section s106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.

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

4.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning

terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

4.3 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

Application Number 15/01042/PVAR3

5.1 GRANT PLANNING PERMISSION subject to:

5.1.1 The indicative conditions substantially in the form of those listed in the draft decision notice at Appendix 3 at the end of this report.

5.1.2 Prior completion of a section s106 planning obligation which shall include a financial contribution towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.

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

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

5.3 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

6.1 In the event that Committee resolves to grant planning permission in respect of application 15/01039/PVAR3 and 15/01042/PVAR3, power to issue a combined planning permission in respect of these applications be delegated to the Head of Development Management and Regeneration.

6.2 Such a combined planning permission shall be subject to:

6.2.1 The indicative conditions substantially in the form of those referred to in recommendation 4 and 5 above.

6.2.2 Prior completion of a section 106 planning obligation which shall include a financial contribution of £60,000 towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connection to the site.

6.2.3 Power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to be delegated to the Head of Development Management and Regeneration

6.2.4 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning

terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

6.2.5 That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

7 BACKGROUND

- 7.1 On 19 November 2014 Committee resolved to grant a hybrid planning permission (part full, part outline) for the development of a foodstore together with other retail units, a restaurant building, an employment/ancillary use building, car parking spaces, access, public realm and strategic landscaping. This decision was issued on 23 December 2014 following the completion of a S106 agreement.
- 7.2 Development is now underway on the site, with site infrastructure and the framework of the foodstore and retail units in the process of being constructed.
- 7.3 The site comprises a 1.8 ha cleared and remediated land on the north-western side of the roundabout junction of Daleside Road A612 with Trent Lane which was the site of the former Sunlight laundry.
- 7.4 This section of Daleside Road is predominantly in commercial use, although there is a pair of two storey semi-detached houses adjoining the application site boundary to the west on Daleside Road. Virgin Media's offices and depot are located opposite the site on Trent Lane. On the opposite side of Daleside Road are a variety of commercial uses including equipment hire, various manufacturing and metal fabrication premises, electrical contractors and a café and car sales site. The Nottingham to Lincoln and Grantham railway line runs along the northern boundary of the site, with the Sneinton Greenway being on a former railway embankment immediately to the north of the railway line.
- 7.5 Pedestrian access into Sneinton from the site is northwards along Trent Lane and across a pedestrian bridge recently provided by Network Rail.

8 DETAILS OF THE PROPOSAL

- 8.1 The four submitted applications contain proposals for the variation of the granted hybrid planning permission and details of the restaurant element of the approved development.
1. 15/01104/PFUL3: The granted hybrid planning permission reserved the design of the approved restaurant building (Class A3). This application provides details of the design of this building, but also varies the layout of the approved scheme in order to accommodate a drive through lane and revised car parking layout. The named operator is a coffee shop chain and the proposal is for a single storey mono-pitched roof building with a main entrance and external seating area facing west onto the main car park, a serving booth to the south towards Daleside Road and a drive through lane to the east. The proposed external finishes are white render, horizontally laid red cedar cladding, and large shopfront windows. Details of hard and soft landscaping to the boundaries of the site to Daleside Road and Trent Lane area are also included.

This application also proposes the omission of the approved

employment/ancillary building (Class B1/Class D1) that was to be located between the retail terrace to the north of the site and Trent Lane. It is proposed to substitute this building with car parking. The applicant states that these additional car parking spaces are required in order to accommodate vehicle parking that would be generated by the drive through coffee shop operation and one of the approved retail units use as a toy store (see below).

2. 15/01105/PFUL3: The granted hybrid planning permission included a terrace of five retail units to the north of the site. This application is for the alternative layout of the units to provide an additional mezzanine storage floor. The named operator is a toy store and this proposal is to be considered in conjunction with applications 3 and 4 below.
3. 15/01039/PVAR3: The granted hybrid planning permission included conditions that limited the layout of the approved terrace of five retail units to the north of the site. Condition 16 states that the units may not be individually altered or combined in size in excess of 750 sq.m. of gross floorspace. Condition 17 also states that a minimum of five retail units shall be maintained. The application seeks to vary the wording of these conditions to facilitate the provision of a larger comparison goods store for the toy store provider, which would reduce the number of retail units in this terrace from five to three. A retail store and pet store have been identified to occupy the other two units.

The applicant has proposed the following alternative wording to the conditions:
“16. With the exception of the approved retail foodstore unit, only one other unit within the approved development shall be altered or combined with any adjacent unit to form unaltered or combined size in excess of 750 sq.m of gross floorspace.

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

4. 15/01042/PVAR3: The application proposes a reduction the overall length of terrace of five retail units to the north of the site and revises the approved elevations to suit of the requirements of the toy store operator.

9 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 9.1 Adjacent neighbours and respondents to the previous applications have been consulted. Site and press notices have also been posted. No responses have been received at the time of completing this report.

Additional consultation letters sent to:

- 9.2 **Pollution Control:** No objection. Recommend conditions in relation to verification of remediation strategy, scheme for ventilation of drive through café, commercial noise, operational hours, and deliveries and servicing.
- 9.3 **Highways:** No objection. Recommendations in relation to design of accesses from Trent Lane and pedestrian and cycle permeability.

10 RELEVANT POLICIES AND GUIDANCE

- 10.1 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.
- 10.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications.
- 10.3 Paragraphs 23 – 27 advise on the consideration of out-of-centre retail developments. Paragraph 24 requires the application of a sequential test for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 10.4 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.
- 10.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Nottingham Local Plan (November 2005):

S5 - Retail development, Edge/Outside Centres.

MU7 - Waterside Regeneration Zone, Mixed Use Sites.

NE9 - Pollution

NE12 - Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014)

Policy 1 - Climate Change

Policy 4 - Employment Provision and Economic Development.

Policy 6 - Role of Town and Local Centres

Policy 7 - Regeneration.

Policy 10 - Design and Enhancing Local Identity.

Policy 15: Transport Infrastructure Priorities

11. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Retail development of the site.
- (ii) Regeneration of the area.
- (iii) Omission of approved employment/ancillary use building
- (iv) Layout and design.

(i) Retail development of the site (Policy S5 and Policy 6)

- 11.1 The granted hybrid planning permission confirmed that the approved development accords with NPPF requirements in relation to retail impact and that there were no alternative sequentially preferable sites available. In granting the hybrid planning permission it was accepted that any comparison goods impact, particularly on the city centre, were considered likely to be minimal. However, in assessing the application it was determined that an unrestricted Class A1 consent could potentially harm the appropriate provision of comparison goods retailing and, more significantly, that any future amalgamation of the units could undermine the contribution that the proposed development would make to the wider regeneration of the Waterside area. Conditions 16 and 17 were therefore attached to the planning permission, requiring that a minimum of five retail units would be provided and that the maximum size of any individual unit would be limited to 750 sq.m.
- 11.2 The applicant advises that the market for comparison goods retailers trading at a size level less than 750 sq.m has remained difficult and has submitted a summary of the marketing exercise that has been conducted for the retail units and restaurant unit. This states that occupiers for two of the retail units have been secured (a single price point retailer and specialist pet superstore) but that no other suitable occupiers have been able to be attracted that would be able to comply with the planning conditions. This is partly explained by the exclusivity required by Aldi as the anchor foodstore, deterring other food operators, but is also understood to relate to factors including sufficient existing representation at other city locations, preferences for other locations including the city centre, and absence of similar retailers within the units (e.g. clothing and furniture). Responses from over 110 retail operators are recorded.
- 11.3 The applicant advises that the proposal for the toy store operator represents the only user at the next size level up that could be accommodated within the development without increasing the approved size of the retail terrace.
- 11.4 An updated retail impact and sequential assessment has been submitted in support of the application. This reports that the comparison goods turnover of the proposed toy store operator unit would be similar to the comparison goods floorspace that it would be replacing, due to the use of a lower sales density and resultant unit turnover. It is therefore advised that the application proposal would not result in a significant adverse impact on any shopping centre or retail park in the city, with the greatest impact being upon Riverside Retail Park, which includes another toy store retailer as a direct competitor. The applicant states that the wider draw of this retail park is considered to be able to accommodate the forecast trade loss. The Broadmarsh and Victoria shopping centres are not considered to be affected due to the scale of these centres as part of the city centre and the extensive catchment population which supports them and their location.

- 11.5 It is stated that the specific operational and trading requirements of the proposed operator cannot successfully trade from a city centre location due to the bulky nature of many of the goods, large regular floor plate format, need for back-up storage space, and direct access to car parking. It is also advised that the proposed operator's business model typically requires 2,300 sq.m gross floorspace and that the proposed smaller unit of 1,952 sq.m gross floorspace demonstrates flexibility in terms of the scale of the proposed unit and commitment of the proposed operator to secure a presence in Nottingham.
- 11.6 It is considered that an appropriate case has been made, focussing upon the particular operational format of the toy store and conclusion that the retail impact of this store would be similar to the three units that would be combined. It is, therefore, considered that the proposal complies with Policy S5 and Policy 6 and that the alternative wording of the conditions proposed by the applicant should be accepted.

(ii) Regeneration of the area (Policy 7 and Policy MU7)

- 11.7 The report to Committee on the hybrid planning application considered that an open Class A1 consent for the five units within the retail terrace could harm the provision of comparison goods retailing within more appropriately defined areas including the city centre. It was also considered that an open Class A1 consent and potential future amalgamation of units could undermine the contribution that the proposed development would make to the regeneration of the Waterside area. Accordingly, the report recommended that Conditions 16 and 17 be attached to the consent requiring that a minimum of five retail units would be provided and limiting the maximum size of any individual unit to 750 sq.m.
- 11.8 The proposed toy store operator is not currently represented within the city. The applicant states that the operators' commitment will enable the construction of the entire scheme in a single phase and, in doing so, will send a positive signal to the market about the perception of the area including Waterside regeneration area.
- 11.9 It is accepted that the operator business model does not allow it to trade from a city centre location. In this context, it is considered that there would be no definable retail impact upon the city centre. Whilst the number of retail units within the scheme would also be reduced from seven down to five and that this would to an extent reduce the number of potential tenants and range and contribution that this could make to the regeneration of the Waterside area, it is considered that the prospect of a fully completed development and positive signal that this would send out is compelling. It is, therefore, considered that the regeneration of the area would be better secured through the variation of Conditions 16 and 17, which would allow for the completion of the development in a single phase of construction. It is, therefore, considered that the proposal complies with Policy 7 and Policy MU7

(iii) Omission of approved employment/ancillary use building(Policy 4)

- 11.10 The redevelopment of this site has always featured the provision of employment uses in addition to those associated with the retail elements. The proposed omission of the employment/ancillary use building and its substitution with car parking has, therefore, been a cause of some concern.
- 11.11 The applicant's position is that this change is as a consequence of several factors. The first is the combination of the proposed toy store and coffee shop chain interest

in the site and impact that this has had on the number of car parking spaces required by Aldi. The introduction of these operators has been interpreted by the anchor foodstore operator as resulting in less car parking spaces than it would normally agree to of sites of this nature and that it may pull out of the development if a compensatory increase in car parking is not made. The approved car parking layout provides 235 spaces. The introduction of a drive through lane reduces this number to 228 spaces. The interpreted car parking demand for the proposed toy store and coffee shop chain is stated to be 258 spaces, which would not be possible to achieve without the omission of the employment/ancillary use building.

- 11.12 The applicant also states that the site has been actively marketed for employment uses since early 2012 with limited interest having been expressed. It is surmised that demand for the east of the city is not as strong as other areas, with potential occupiers tending to focus on the west of the city with its improved transport links and greater availability of space on more established business parks; that the viability of developing new employment buildings on Daleside Road as a secondary employment location is more challenging; and that there is sufficient existing availability of a range of space within the area, including the former Virgin Media offices and depot on the opposite side of Trent Lane.
- 11.13 It is estimated that the number of jobs within the scheme would be around 120, with many of these positions expected to be available to local people in the Sneinton area. It is also recognised that there will be significant advantages to the further regeneration of the area with the completion of the development of the site. Whilst the omission of the approved employment/ancillary use building is regretted, it is considered that the applicant has made a reasonable case in justification of their position in accordance with Policy 4.

(iv) Layout and design (Policy 10)

- 11.14 Whilst proposed to be shortened in length, the design and external appearance of the retail terrace (including the proposed toy store operators' unit) would be substantially unchanged from that previously approved. The provision of an active frontage to the east/side elevation that would now be exposed to the proposed additional area of car parking has been discussed with the applicant and their response is anticipated for Committee.
- 11.15 The layout of the proposed drive through unit has required that the drive through lane is positioned between the building and the boundary of the site. Recognising that this unit will occupy the prominent corner position at the roundabout junction of Daleside Road with Trent Lane, the applicant has been challenged to provide an appropriate solution to the design of the building and layout of the external area of this area of the site.
- 11.16 The design of the drive through unit is to a new format for the proposed operator. The glazed shopfront elevations of the building are towards the approved car park, with external seating also being provided outside the main entrance. The Daleside Road and Trent Lane elevations are more functional, incorporating timber clad features including a serving booth. It has, therefore, been important to ensure that the external hard and soft landscaping of the site provides an appropriate foreground treatment to these elevations.
- 11.17 The submitted details provide a boundary wall and railing to the perimeter of the site, with tree and shrub planting behind. An open area of hard surfacing and

planting is also included to the corner of Daleside Road and Trent Lane, which offers direct pedestrian access to the café and retail units from Daleside Road. The detailed design of the boundary zone is being reviewed with the applicant and it has been proposed that it be revised to be in sympathy with the design of the Daleside Road frontage, including the use of large specimen trees. The revised detailed design of this area will be presented to Committee.

- 11.18 Subject to the receipt of further and acceptable revised details of the external hard and soft landscaping it is considered that the proposal complies with Policy 10.

Other Material Considerations

Highways (Policy T3)

- 11.19 Highways have advised that there is no objection to the proposed development subject to a revision to the design of accesses off Trent Lane and pedestrian and cycle permeability, which are currently being reviewed by the applicant. The designs of the accesses are considered to exceed requirements and that improvements to pedestrian and cycle permeability are able to be achieved. Subject to the receipt of acceptable revised details the proposal is considered to accord with Policy T3 of the Local Plan.

Pollution and Contamination (Policies NE9 and NE12)

- 11.20 Planning conditions regarding the contamination of the site have been satisfied as part of the hybrid planning permission that has been issued and development has now commenced. Pollution Controls' request for planning conditions requiring the verification of the approved remediation strategy; a scheme for ventilation of the drive through café; assessment of commercial noise; and constraint on operational hours, deliveries and servicing is noted and are reflected in the draft decision notices. It is considered that the proposals accord with Policies NE9 and NE12.

Planning Obligations (Policy T2 and Policy 15)

- 11.21 The site is considered to lack connectivity with the local area where it is being promoted to serve as a local centre. In relation to the Greenway public right of way, it is considered that there are two areas of local housing that would benefit from improved walking and cycle connections to the site, being Bendigo Lane to the east of the site and Ivatt Drive to the west. These areas of housing are already connected to the Greenway and would benefit from improvements to its condition to encourage its use. Committee previously resolved to a hybrid planning permission (part full, part outline) 14/01140/POUT subject to prior completion of a S106 agreement with a financial contribution of £60,000 towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connection to the site. The trigger for payment of that contribution has not yet been reached. The current applications do not alter the justification for the S106 obligation and it is proposed that it be required in a section 106 agreement that links to the current applications. A financial contribution towards local employment and training has already been provided upon the commencement of the development and a number of local employment opportunities offered by the applicant and secured under the previous S106 agreement, have been provided. It is proposed that the balance of those local employment opportunities would be provided through a memorandum of understanding.

12. SUSTAINABILITY / BIODIVERSITY (Policy 1)

12.1 It has been previously proposed that the block of retail units will use a 'fabric-first' approach, with photovoltaic panels also being used. The photovoltaic panels would be mounted on the roof of the block. It is advised that this would equate to a 10.2% reduction in CO₂.

12.2 It is considered that a 'fabric-first' approach and installation of photovoltaic panels is an appropriate means to achieve carbon reduction targets and accords with Policy 1.

13 FINANCIAL IMPLICATIONS

None.

14 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.

15 EQUALITY AND DIVERSITY IMPLICATIONS

None.

16 RISK MANAGEMENT ISSUES

None.

17 STRATEGIC PRIORITIES

Enable a new business economy.
Ensuring Nottingham's workforce is skilled.
Improve life chances for young people.

18 CRIME AND DISORDER ACT IMPLICATIONS

None.

19 VALUE FOR MONEY

None.

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

1. Application No: 15/01105/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NN8ZI3LYCB000>
2. Pollution Control, 7.5.15
3. Highways, 20.5.15

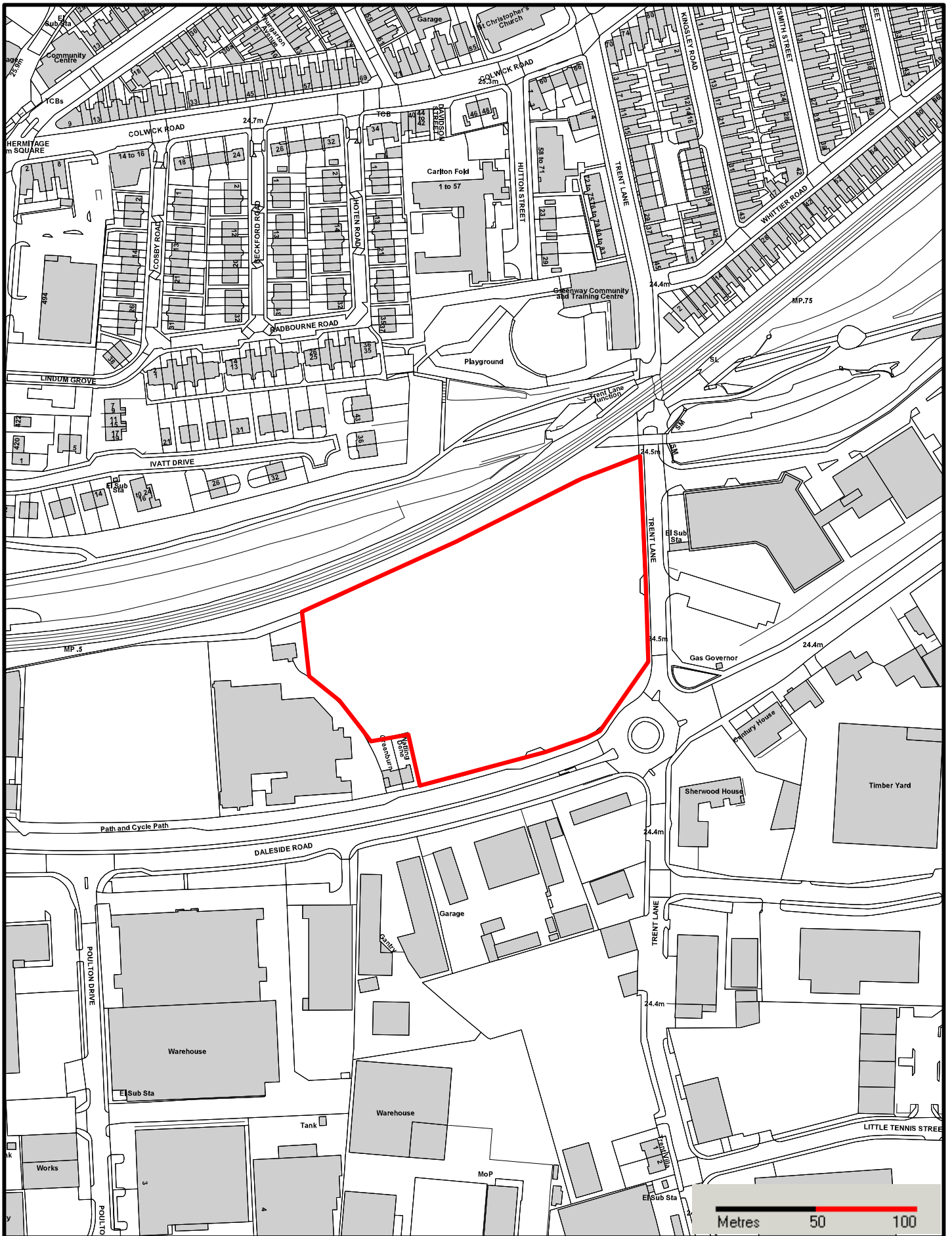
21 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
Planning Practice Guidance (March 2014)

Contact Officer:

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Date of decision:

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

Application No: 15/01104/PFUL3 (PP-04139314)
Application by: Cedar House Investments
Location: Site Of Society Linen And Electricity Substation, Daleside Road, Nottingham
Proposal: New drive through cafe 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 not shall commence until details of the external materials of the cafe building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

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

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

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

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.

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

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

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

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

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

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

Pre-occupation conditions

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

8. Prior to first occupation of the development, the following shall be 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 Remediation Strategy and supporting documentation approved under planning reference 14/01140/POUT 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 Remediation Strategy and supporting documentation approved under planning reference 14/01140/POUT to deal with ground and groundwater contamination of the site has been fully implemented and completed.

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

Regulatory/ongoing conditions

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

9. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the development of that phase, whichever is the sooner, and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local 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.

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 23 April 2015.

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 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 Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

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: 15/01104/PFUL3 (PP-04139314)

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.

My Ref: 15/01105/PFUL3 (PP-04141351)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

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

Date of decision:

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

Application No: 15/01105/PFUL3 (PP-04141351)
Application by: Cedar House Investments
Location: Site Of Society Linen And Electricity Substation, Daleside Road, Nottingham
Proposal: Retail unit with mezzanine floor (revision to hybrid planning permission reference 14/01140/POUT).

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

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

3. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has

been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the phase of development to which it relates is completed.

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

Pre-occupation conditions

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

4. The approved development shall not be occupied until the following has been submitted to and approved in writing by the Local Planning Authority:

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

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

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

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 23 April 2015.

Reason: To determine the scope of this permission.

Informatives

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DRAFT³ ONLY
Not for issue

Continued...

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