

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

280 Nottingham Road, Nottingham

1 SUMMARY

Application No: 13/03106/PFUL3 for planning permission

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

Proposal: New retail food store following demolition of existing buildings.
Resubmission of planning application reference 13/02102/PFUL3.

The application is brought to Committee following the refusal of planning permission for a previous scheme at the Committee meeting on the 20th November 2013.

To meet the Council's Performance Targets this application should be determined by 24th March 2014

2 RECOMMENDATIONS

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

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

3 BACKGROUND

- 3.1 The site is presently occupied by a single storey vehicle showroom building at the junction with Lortas Road. The showroom is set behind a single row of display vehicles and close to the Lortas Road pavement. To the rear of the site is a larger vehicle display area and a profile sheet clad servicing building.
- 3.2 To the southeast, bordering the site, is Concord House, an office / warehouse building. To the southwest, across Nottingham Road, are further office buildings. To the northwest, across Lortas Road, is Sherwood Works, currently being converted to a banqueting suite and beyond that is a Sainsbury's store. To the northeast are further industrial buildings. This part of Nottingham Road is a mixture of commercial uses, including retail in the form of corner shops, a book makers, food and drink and leisure uses, offices and other employment uses. Beyond the commercial uses on Nottingham Road to the northeast and southwest of the site are residential areas. The site has no allocation in the adopted Local Plan and is not in a designated retail centre.
- 3.3 At its meeting on the 20th November 2013, the Planning Committee agreed in principle that this was a suitable site for a food store of this nature but refused permission for a new retail foodstore on this site for the reason that:

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

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal, then, is for demolition of the existing car showroom and the construction of a food store of 1,530 square metres. The single storey building would now be located at the front of the site, with parking at the rear for 79 cars.
- 4.2 The proposed building would be flat-roofed and the elevation to the car park would be primarily full height glazing with a rendered panel holding the store signage and would contain the store entrance. A powder coated canopy would extend around the front corner of the building above the entrance. The remaining elevations would be rendered with the Nottingham Road elevation containing an element of full height glazing and high level glazing on the Lortas Road elevation.
- 4.3 The building would be set back from the Nottingham Road footway by 5 metres and a pedestrian route would run alongside the Lortas Road side of the building to provide access to the entrance. Vehicular access would be from Lortas Road. A landscaping strip and new trees are proposed on the road boundaries as well as within the car park.
- 4.4 Employment opportunities would be created during both the construction and operational phases of the development. The applicants have committed to working with the council's employment hub to deliver opportunities for local people. This would be secured by planning obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Eighty-one notification letters sent to neighbouring occupiers and to contributors who wrote in response to the previous consultation. The application has also been advertised by a site notice and a press advert.

Six letters and emails have been received supporting the proposal. The reasons for supporting the proposal are:

- The store would be convenient for the local community and provide local people with more shopping choice.
- The store would create employment opportunities for local people.
- Landscaping and trees would enhance the area.

Additional consultation letters sent to:

Highways: No objection subject to conditions regarding covered cycle storage, a

full-store travel plan, construction management plan, disposal of surface water drainage and off-site highway works. Note that the introduction of a TRO along Lortas Road would be of benefit to the applicant as it would prevent the on street parking which is currently occurring which potentially could inhibit goods lorries, and customers from accessing the on site car park. The applicants have agreed that this would be an appropriate measure.

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

Urban Design: The position of the building towards the front of the site is an improvement to the previous application. Ideally the entrance would have also been positioned at the front relating to the street as opposed to the car park at the rear. The glazing at the front will be opaque with some of the panels accommodating advertising associated with the store. Ideally some of these panels would be clear allowing views in and out of the shop. However, this is most unlikely due to the internal shelving arrangement. Therefore, to give some form of street activity and interest, some of the glazing should be reflective and free from advertising. Bringing the servicing access and enclosure (at the front of the site) further forward will help prevent an unwelcoming space to the side of the building.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application. The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved.
- 6.2 Paragraph 24 requires the application of a sequential assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF recognises town centres as the heart of communities and Local Planning Authorities should pursue policies to support their viability and vitality. Local Authorities should promote competitive town centres that provide customer choice and a diverse retail offer.
- 6.3 Paragraph 56 states that great importance is attached to the design of the built environment, with paragraph 61 advising this not just limited to architectural appearance but wider design issues.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

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

- 6.5 The CLG Practice Guide was prepared to help those involved in preparing or reviewing retail assessments. The guidance reinforces that town centre sites are

likely to be the most readily accessible locations for retail uses, reducing the need to travel and increasing choice and competition to encourage linked trips.

Nottingham Local Plan (November 2005):

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

BE2 - Layout

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

ST1 - Sustainable Communities.

ST2 - A Successful Economy.

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

NE9 - Pollution.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

- i) Urban design considerations
- ii) Other matters

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

- 7.1 Policy BE3 requires, amongst other things, that the development will enhance the local environment, townscape and character of the area, particularly the established scale, massing, rhythm and materials. Policy BE5 seeks an appropriate and comprehensive landscaping scheme as part of new development, with clear proposals for maintenance. Raising standards in design is supported by the NPPF which requires that high quality design is secured through the planning process.
- 7.2 Planning permission was refused for the earlier scheme on urban design grounds and the current application seeks to address this by bringing the building forward on the site. In terms of layout, the proposal now respects the form and character of the area and respects the site's context on a road junction, fronting a busy street. The building now provides enclosure of the street and a presence to the street frontage.
- 7.3 Whilst the building remains designed to the applicant's standard model, being flat-roofed and primarily rendered, the provision of full-height glazing on the main Nottingham Road elevation adds interest. The building is proposed to be set back from Nottingham Road an appropriate distance and the provision of good quality hard surfacing and tree planting will add further interest and soften the appearance of the site.

- 7.4 It is considered, then, that the new proposal addresses the concerns previously expressed by Committee and the reasons for refusal and is now in accordance with Policies BE3 and BE5.

ii) Sustainability and economic considerations (Policies ST1 and ST2), Retail Policy Analysis (Policy S5, NPPF and CLG Town Centres Practice Guide, Highway Issues (Policies BE2 and T3), Residential amenity issues (Policy NE9)

- 7.5 Councillors considered and accepted the principle of retail use in this location when the previous application was considered by the Planning Committee in November 2013. The previous report is attached as an appendix to this report. The analysis of the current proposal in relation to these policies is unchanged.

8. SUSTAINABILITY / BIODIVERSITY

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

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Working Nottingham: the development will provide local employment opportunities.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 13/03106/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MY5CXDLYCB000>

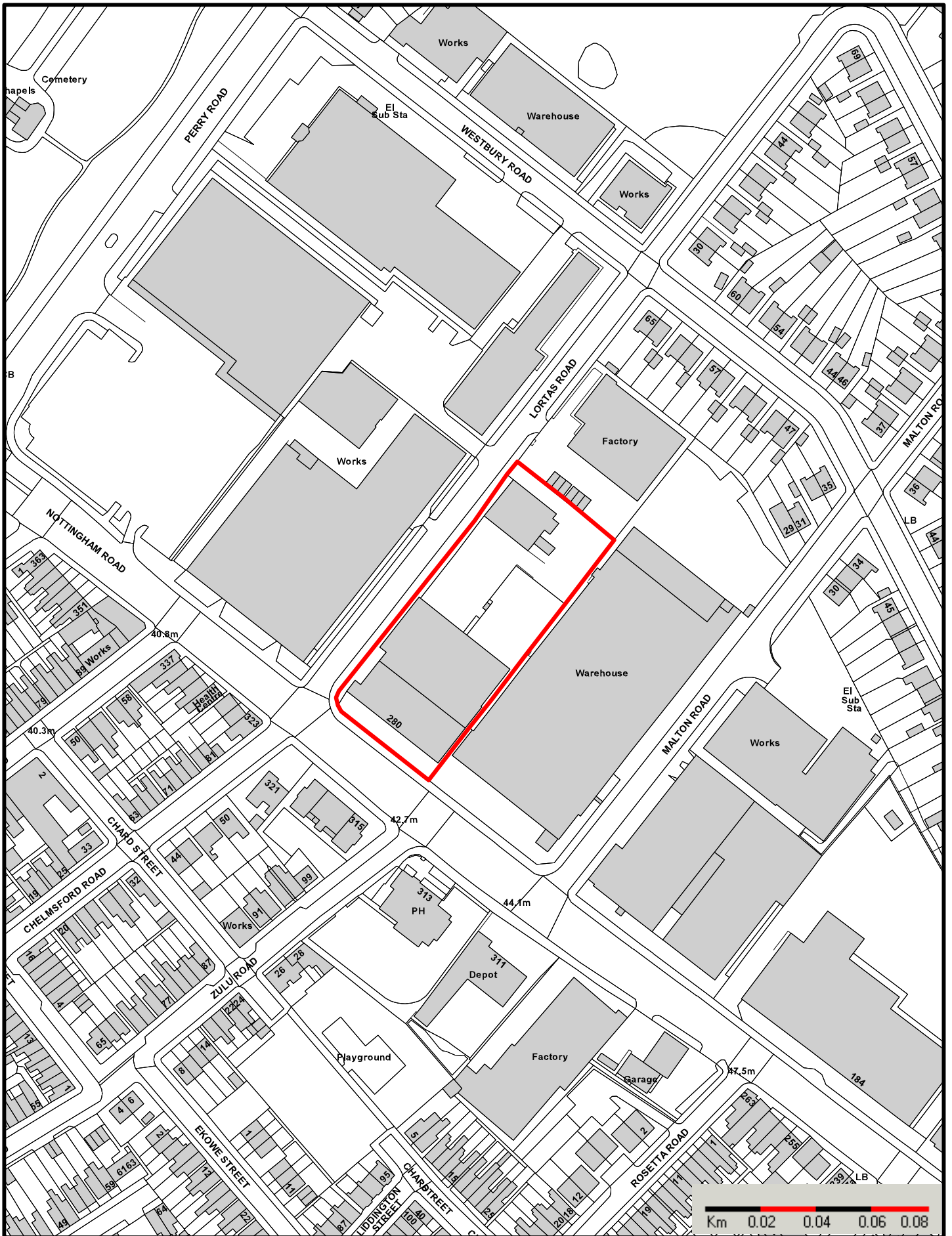
17 Published documents referred to in compiling this report

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

Contact Officer:

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

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Nottingham
City Council

My Ref: 13/03106/PFUL3 (PP-03080724)
Your Ref:
Contact: Mr P.H. Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Birmingham
West Midlands (Met County)
B24 9FD
United Kingdom

Date of decision:

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

Application No: 13/03106/PFUL3 (PP-03080724)
Application by: Aldi Stores Ltd.
Location: 280 Nottingham Road, Nottingham, NG7 7DG
Proposal: New retail food store following demolition of existing buildings. Resubmission of planning application reference 13/02102/PFUL3.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) the external materials of the new building;
 - b) the surfacing of the parts of the site which are not to be landscaped;
 - c) the enclosure of the site.

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

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

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

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

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

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

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

6. The development shall not be commenced until an environmental noise assessment has been submitted to and approved in writing by the Local Planning Authority.

The environmental noise assessment shall be suitable and sufficient and shall be carried out by a competent person whilst any premises and/or activities in the vicinity are operating and shall be representative of the background noise level LA90 prevailing during the proposed relevant operational period at the nearest affected residential properties.

Environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from activities at the development and any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not to exceed a Noise Rating level of:

- i. Noise Rating NR35 (for 24hr operation) or
 - ii. Noise Rating NR45 (for operation between 07:00 and 23:00)
- at a point 1 metre from the window of any nearby noise sensitive residential dwelling at any time during the relevant operational period of the development.

The environmental noise assessment shall provide sufficient detail to demonstrate that internal noise levels at any nearby noise sensitive premises shall not exceed 45dB LAmax (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

Reason: In the interests of the amenities of the occupiers of nearby property in accordance with Policy NE10 of the Local Plan.

Pre-occupation conditions

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

7. The development shall not be brought into use until the off site highway works on Nottingham Road and Lortas Road have been provided as shown on plans Dalkin Scotton Partnership Architects Ltd Z12A43-P003 rev C and Connect Consultants A1-13037-010 rev F to the satisfaction of the Local Planning Authority.

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

8. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following its occupation 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 will be satisfactory in accordance with Policy BE5 of the Local Plan

9. The development shall not be brought into use until the car park hereby approved has been provided and surfaced and individual spaces marked out in accordance with the approved plans.

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

Regulatory/ongoing conditions

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

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

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 23 December 2013.

Reason: To determine the scope of this permission.

Informatives

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

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

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

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

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

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/dampening down of spoil and demolition waste

Wheel washing

Periodic road cleaning

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

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

6. The Highway Authority considers it prudent that as part of the proposed off site highways works a Traffic Regulation Order is undertaken to provide a safer highway environment on Lortas Road. The Order can be made on behalf of the developer by Nottingham City Council at the expense of the developer. This is a separate legal process and the Applicant should contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293 at the earliest opportunity to commence the process which can take upwards of 9 months to complete. All costs (circa £5000) shall be borne by the applicant.

7. The environmental noise assessment shall be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice. The environmental noise assessment shall include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

8. You are advised that the city council will be seeking a reduction in the surface water discharge rate of approximately 30% relative to its existing, and that surface water should not be drained to the mains sewer. The submitted details shall indicate as a minimum how the maximum discharge from the storage tank will be restricted to 5l/s/ha, plus details of a petrol interceptor in the loading bay and a by pass separator located within the car park close to the storage tank.

In addition, this site is located in an area which is particularly susceptible to surface water flooding, and the manhole cover at the junction of Lortas Road and Nottingham Road is known to blow during heavy rainfall owing to the public sewer becoming overloaded; this should be taken into account in the proposals for surface water drainage.

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

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

RIGHTS OF APPEAL

Application No: 13/03106/PFUL3 (PP-03080724)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

280 Nottingham Road, Nottingham

1 SUMMARY

Application No: 13/02102/PFUL3 for planning permission

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

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

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

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

2 RECOMMENDATIONS

REFUSE PLANNING PERMISSION for the following reasons:

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

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

3 BACKGROUND

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

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

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

4 DETAILS OF THE PROPOSAL

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

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

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

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

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

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

Additional consultation letters sent to:

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

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

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

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

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

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

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

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

Nottingham Local Plan (November 2005):

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

BE2 - Layout

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

ST1 – Sustainable Communities.

ST2 – A Successful Economy.

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

NE9 - Pollution.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

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

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

- 7.1 The site is an unallocated site within the adopted Local Plan and therefore its use for retail purposes does not conflict with any strategic designation.

- 7.2 Policy ST1 advises that planning applications should be considered against various criteria, including the need to promote mixed uses, the scheme's contribution to strengthening and diversifying the economic base of the city and access to local employment opportunities (particularly to disadvantaged groups). ST1 also encourages the use of previously developed land and buildings and the efficient use of land.
- 7.3 The site falls within a mixed commercial and residential area where a reasonable amount of custom is likely to come from residents living in the nearby areas. The site is located on a busy road where there are frequent buses providing good public transport links to the city centre and surrounding areas. The site is previously developed, as encouraged by policy ST2, and the scheme makes efficient use of the site. Although not strictly an employment generating use, local job opportunities would be created through both the construction and operational phases of the development. In principle, the scheme substantially complies with policy ST1.

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

Retail Analysis – Sequential Site Assessment

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

with other in-centre uses is limited.

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

new store if Spondon Street and the adjacent public car park are incorporated into the site. The applicant has prepared drawings and accompanying supporting information to demonstrate that the site's constraints wouldn't suit their business model, particularly as they would be unable to achieve a satisfactory car parking ratio for its customers. It is considered that the site would not be suitable to accommodate the new store without affecting viability and therefore, on balance, the sequential site assessment test is satisfied.

Retail Analysis – Impact Assessment

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

Retail Analysis - Accessibility by a Choice of Transport Modes

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

next to the main road, people wishing to travel by other means could have that option. In this regard, the proposal complies with policy S5b).

Retail Analysis - Enabling the Wider Redevelopment of Brownfield Sites

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

Retail Analysis - Alternative Sites

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

iii) Highway and Issues (Policies BE2 and T3)

- 7.21 The site is located in a mixed-use, out-of-centre location where it is anticipated that a reasonable proportion of customers would travel from the local area. The nature of the use is such that even people travelling locally may drive to the site in order to transport shopping. This assumption is evidenced by the applicant's desire to cater for the private car owner by providing 77 parking spaces. The applicant has also chosen to locate these spaces to the front of the store, with the building pushed to the back of the site, promoting car use by making the spaces more visible and accessible to the store's entrance. It also makes access on foot or by public transport less convenient as it would be further for customers walk to Nottingham Road than if the entrance were pulled close to the main road. While the applicant has been prepared to agree to the provision of a pedestrian refuge across Nottingham Road (with associated pedestrian links through the car park), they haven't been willing to make the necessary modifications to the layout to discourage car use and make it more attractive for those travelling by more sustainable modes, as recommended by Policy T3(b).
- 7.22 As stated above, the out-of-centre location of the site makes it difficult for staff and customers to make full use of public transport that an in-centre location allows. It also discourages shared trips to other in-centre shops and local facilities – speculatively or planned. In this regard, the scheme is not considered to be sustainable development as recommended by the NPPF.
- 7.23 A number of bus services also travel along Nottingham Road and bus stop are located close to the site. The applicants have suggested that they would be willing to provide a pedestrian refuge to improve access to the site from across Nottingham Road. This, along with cycle parking provision, would be secured by condition if the scheme were acceptable in all other regards.
- 7.24 The level of car parking provision equates to one space per 21 square metres, which is less than the maximum parking standard as set out in Appendix 1 of the Local Plan. Nevertheless, this ratio could be reduced further to discourage car use and to provide a more attractive, landscaped parking area. If the application were acceptable in all other respects, a condition would be included to secure modifications to the car park to reduce parking provision and provide a suitable landscaping scheme.
- 7.25 Staff, customer and servicing access to the car park would be provided off a single

entrance off Lortas Road. There are no technical highway objections to this access arrangement, and no safety concerns have been raised with regard to highway capacity or congestion. In this respect, the scheme complies with policies BE2 and T3.

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

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

Residential amenity issues (Policy NE9)

- 7.32 The site is not physically adjoined by residential properties, with the nearest houses

located on the opposite side of Nottingham Road and further along Lortas Road to the North East. In order to protect the amenity of local residents from noise from plant and air handling equipment, Pollution Control officers have recommended a condition to agree details before installation. Subject to this, the proposal complies with policy NE9.

8. SUSTAINABILITY / BIODIVERSITY

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

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Working Nottingham: the development will provide local employment opportunities.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

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

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

17 Published documents referred to in compiling this report

National Planning Policy Framework

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

Nottingham Local Plan (November 2005)

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