

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Riverside Building , Riverside Way

1 SUMMARY

Application No: 15/02854/PFUL3 for planning permission

Application by: Jones Lang LaSalle on behalf of Channelling Positivity

Proposal: Change of use from Office/Warehouse to Class D1 School and minor external alterations including access ramp.

The application is brought to Committee due to an objection being received from a Ward Councillor.

To meet the Council's Performance Targets this application should be determined by 25th March 2016

2 RECOMMENDATIONS

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

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

3 BACKGROUND

- 3.1 The application relates to a two storey former industrial/warehouse building set within its own grounds with a DIY retail store to the north west and a two storey commercial unit to the east. These three buildings and their sites form a triangle of development which is bounded by Riverside Way to the south and south east, Robin Hood Way to the north and Meadows Way/Queens Drive to the west. Also to the south on the opposite side of Riverside Way is the River Trent. While the immediate area is one of industrial/commercial character, further to the north is the residential area of the Meadows.
- 3.2 The site can be accessed from both Riverside Way and Robin Hood Way. The building has been in temporary use as school since September 2015; current planning legislation enables the conversion of certain buildings, including B1 offices, to state funded schools for a temporary period of one year without requiring planning permission. The current use was implemented on this basis.
- 3.3 The site has a history of office (B1) and warehousing (B8) use. In 1995 it was changed from purely B8 to a mixed B1/B8 use and more recently, in 2012, permission was granted for a change of use to B1, B2 and B8, and subdivision of the building into four units with some external alterations (ref 12/02391/PFUL3). The aim of this permission was to give more flexibility to attract future occupants.

4 DETAILS OF THE PROPOSAL

- 4.1 Change of use from Office/Warehouse (Use class B1/B8) to Use Class D1 School and minor external alterations including an access ramp.. The school mainly occupies the ground floor but has additional classrooms and offices to part of the first floor. Externally the building would remain largely unaltered but with the exception of the addition of a ramp up to the entrance, on the Riverside Way elevation, and the replacement of a roller shutter door with full height glazing on the side elevation facing the car parking area.
- 4.2 The school currently has 24 pupils and 11 staff in this academic year (2015/2016). This is expected to rise to a maximum of 56 pupils and 17 staff by 2017/2018. The school day operates between 9.15am and 4.30pm (3pm on Fridays).

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Wickes, Queens Drive
2 Riverside Way
Riverside Primary and Early Years School, Ainsworth Drive

A site notice was posted and press notice published. No comments received.

Councillor Edwards has objected to the proposal on the following grounds:

- Not envisaged in previous planning, current or future plans;
- Poor use of an office/manufacturing facility;
- Loss of local jobs;
- Not local to the need;
- Not geared to public transport of those being served;
- Low public awareness which could easily change;
- Poor education policy.

Additional consultation letters sent to:

Pollution Control: No comments.

Highways: Would require highway improvements to be implemented in order to ensure the safety of pupils and staff.

Drainage section: No objections but advise that the school should sign up to the EA's flood line given the proximity of the site to the River Trent.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and

future occupants of land and buildings, and to deliver sufficient community and cultural facilities and service to meet local needs.

Aligned Core Strategy (ACS) (September 2014):

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

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

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

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

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

Nottingham Local Plan (NLP) (November 2005):

E4 - Previously Used Employment Sites.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

CE1 - Community Facilities.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- Principle of Development – loss of employment use
- Principle of Development – education use
- Building Design
- Impact on Neighbours
- Impact on Highway Safety

Issue i) Loss of Employment Use (ACS Policy 4 and NLP Policy E4)

- 7.1 The site has no allocation in the Local Plan and therefore is not specifically safeguarded for employment use. Its move to a non-employment use is permitted subject to a criteria based assessment, as set out in Policy E4 of the Local Plan. The property has been vacant for a number of years; even with planning permission granted for sub-division and a mix of employment uses in 2012, there has been no take up of the premises for continued employment use. The application is accompanied by a 'Loss of Employment' report. This advises that the site was marketed for three years with no serious interest for continued employment use; that the site is in a secondary location with mixed use context; that there is an over-supply of low grade office accommodation. The site is close to a residential area

and the three units as a whole are remote from the main industrial commercial area to the west of Queens Drive. The school itself is an employment generator creating 17 teaching jobs alone when at full capacity. It is therefore concluded that the loss of the unit for employment use would be acceptable.

Issue ii) Principle of Use for Education (ACS Policy 12 and NLP Policy CE1)

- 7.2 The school would specialise in education for secondary school pupils not able to attend traditional mainstream education. The catchment area is wide and would primarily cover secondary schools to the south of the site in Rushcliffe and the Nottingham City area. There is currently no other facility of this type to serve these administrative areas. The school is accessible by a range of transport choices, being close to tram stops and bus services, safe cycle routes and a pedestrian/cycle route across the river (Wilford Bridge). Cycle storage would also be provided.
- 7.3 In this respect the provision of the school would be in a sustainable location to meet a 'local' need and as such is supported as a new community facility, in accordance with Policy 12 of the ACS and Policy CE1 of the Local Plan.
- 7.4 The issue regarding low public awareness appears to be a concern over the potential behaviour of the pupils. It should be noted that the school, with a maximum of 56 pupils by the end of 2017, is of a small scale and most pupils would only attend for a short period of time (maximum one year), with a view to a planned return to their mainstream school. Some pupils will also attend work placements once a week. Additionally, the staff to pupil ratio is high. It is therefore not envisaged that the provision of education for these pupils would result in an adverse impact on the living conditions of residents caused by any pupil behaviour issues. It is also noted that there are no residential occupiers within the immediate vicinity of the site.

Issue iii) Building Design (ACS Policy 10)

- 7.5 The external alterations to the building are relatively minor, consisting of the replacement of a roller shutter door with full height glazing, and the installation of a ramped access. The proposal is therefore acceptable in terms of design.

Issue iv) Impact on Neighbours (ACS Policy 10 and NLP Policy NE9)

- 7.6 There are no residential occupiers immediate to the site. The main entrance to the site would be from Riverside Way, to the south. The school hours would be day time only and there would be a relatively low number of pupils. As such the use of the building as a school would not have an unacceptable impact on the occupiers of nearby premises.

Issue v) Impact on Highway Safety (ACS Policy 10)

- 7.7 A transport assessment has been submitted as part of the application and this concludes that given the previous use as an employment site, the relatively low numbers of pupils and the good choice of transport options in close proximity to the site, there would be little impact on highway safety arising from the use. Notwithstanding this, relatively minor and localised improvements to the public highway will be sought via condition to ensure the safety of pupils and staff attending the school..

8. SUSTAINABILITY / BIODIVERSITY (NLP Policy NE10)

There would be no major alterations to the fabric of the building or to the entrance. Surface water drainage would be the same as the existing and as such there would be no increase in the risk of flooding either at the site or elsewhere. The Council's Drainage section have raised no objection to the application.

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

Great City – Improving life chances for young people.

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: 15/02854/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NXFQAJLYCB000>

2. Noise and Pollution Control comments 21.12.15

3. Highway comments 18.01.16 and 16.02.16

4. Drainage comments 20.01.16

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

National Planning Policy Framework

Contact Officer:

Mrs Sue Davis, Case Officer, Development Management.

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

NOMAD printed map



Key

 City Boundary

Nomad web map printed by a Nomad user at 11:38, 15/03/2016



Description

No map description

My Ref: 15/02854/PFUL3 (PP-04614832)
Your Ref:
Contact: Mrs Sue Davis
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**Nottingham
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Date of decision:

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

Application No: 15/02854/PFUL3 (PP-04614832)
Application by: Channelling Positivity
Location: Riverside Building , Riverside Way, Nottingham
Proposal: Change of use from Office/Warehouse to Class D1 School and minor external alterations including access ramp.

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)

There are no conditions in this section.

Pre-occupation conditions

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

2. Unless otherwise agreed in writing by the Local Planning Authority, within three months of the date of this decision the highways works and Traffic Regulation Order process as shown on drawing number ADC1260/001 shall be commenced.

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



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DRAFT ¹ ONLY
Not for issue

Continued...

Regulatory/ongoing conditions

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

3. There shall be no vehicular access, to serve the use hereby approved from Robin Hood Way without prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety 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 following drawings/documents:
Planning Layout reference 1260/001, received 5 February 2016
Elevations reference P2/05, received 7 November 2015
Plan reference 07 revision C, received 7 November 2015
Plan reference 06 revision C, received 7 November 2015
Elevations reference 15, received 7 November 2015
Plan reference 10, received 7 November 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 officer's delegated 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. In regard to the risk of flooding, a safe dry exit route should be provided so that the school can be evacuated quickly, safely and in the dry. Additionally, regular flood evacuation practices (like fire practices) should be held.

4. Our Highway team advise:

Planning consent is not consent to work on the highway. To carry out the amendments to the vehicular access, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765238 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as licensing may be required during construction of the development. Please contact them on 0115 8765238.

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.

To progress the TRO implementation please contact Scott Harrison 0115 8765245.

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: 15/02854/PFUL3 (PP-04614832)

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.