

**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 22<sup>nd</sup> April 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 was deferred at the last Planning Committee in March to enable further information to be provided regarding this proposal, particularly regarding the quality of the accommodation (both internal and external) and its accessibility, by sustainable means of transport, in relation to the catchment area it serves.
- 3.2 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.
- 3.3 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.

- 3.4 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).
- 4.3 Following deferral at the last Committee, the following additional information has been provided.

##### *Quality of the accommodation*

- 4.4 The applicants have advised that there is a comprehensive planning and design protocol which the Education Funding Agency and DfE follow to refurbish buildings and make them fit for purpose as a school. This process takes account of the design standards for education establishments and the proposal has been rigorously challenged to ensure that it provides the best solution. Regarding the amount of natural light penetrating the building, ground floor windows directly serve the 'outer' rooms and classrooms whilst the upper floor windows provide light to the internal classrooms, by way of internal rooflights. This was an issue highlighted through the design assessment process and the solution for the internal classrooms arose from this.
- 4.5 They also explained that building is significantly larger than would usually be provided for a school of this size and type. This has allowed for inclusion of a sports hall with changing areas and an invaluable hub area where students can congregate for dining, assembly and recreation.
- 4.6 In terms of off-site recreation, the school utilises the Riverside Sports Complex (the University of Nottingham's sports facilities adjacent to the River Trent) which is a 5 minute bus journey away to the south west of the school, and also regularly make use of Victoria Park and Embankment, a less than 10 minute walk from the school to the east.

##### *Accessibility/sustainability*

- 4.7 Currently there are 117 permanently excluded Key Stage 4 pupils in Nottingham City (data provided to the school by the Department of Education at NCC on 30.03.2016). Unity, which is NCC's Virtual Pupil Referral Unit, has to place these young people in an alternative education setting as they are unable to return to

mainstream school. The school's relationship with City commissioners and its early intervention strategy is a vital part of reducing this unacceptably high level of permanent exclusions across City schools.

- 4.8 A postcode map has been provided which shows where the school's current pupils reside and which wards form part of the school's catchment area. Overall, 74% of pupils reside in Nottingham City. In addition, currently, there are five City commissioners (out of a total of 11) - Nottingham Emmanuel, Farnborough Academy, Unity Learning Centre, Denewood Learning Centre and Nottingham Academy.
- 4.9 To travel to school, 17 pupils use public transport links, 3 students walk, 3 use taxis provided by their commissioners and 1 student cycles. This demonstrates that vast majority use sustainable transport modes to travel to school.

## **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.

Since the deferral of the application, additional representations in support of the application have been received, as follows:

Letter from school to Councillor Edwards:

- The building is in an area with established businesses so unlikely that the area would see any major changes.
- The building had been marketed for a number of years without any interest and the last use was for warehousing of goods, with few employees based at the site. The school already employs 11 people, rising to 17 over the next two years. Those employed are largely Nottingham or Nottinghamshire residents. Therefore the school is creating new jobs promoting the economic viability of the Bridge Ward.
- The focus of the school is on employability, which mainstream schools do not have time for; preparing students for employment, providing them with skills they

need to gain employment, apprenticeships or other post-16 choices, enabling students to become economically independent.

- The demographics of the schools commissioners and their students demonstrate that the school is meeting a need across the City and County. There are 11 commissioners, 5 of which are from the City and 6 from the County. 74% of the students are City residents, with 13% resident in Bridge ward. There is limited or no provision for the most vulnerable students in the south of the City. The school is ideally located with many easy routes for student access with local buses and trams in easy walking distance. The majority of students use public transport to get to school, with some students and staff making use of the excellent cycle routes to school. A transport plan is considered for each student with their commissioner and we have not experienced any concerns in regard to accessing the school by students.
- The school has been in contact with local services including Community policing and the local police station, the local primary school and have had visits to the school by local residents. The school has been approached by local residents regarding employment opportunities and work experience. A local resident on a Job Centre scheme has completed a 6 week placement.
- The school would be open to further building a relationship with the community by making facilities available, once completed, to community groups.
- In summary the Channeling Positivity Trust believe that the facility meets a need by providing education in a different environment to a mainstream school to ensure that they can achieve.

14 letters of support have been received, from students, parents and other interested parties, which are summarised as follows:

- Students want the school to stay open as they learn a lot more than in mainstream school, including learning social and life skills with the end result being a job. The teachers are supportive and it is the best setting for those that don't quite fit into mainstream education.
- Opportunity to learn in own way with more attention (support/smaller class sizes).
- Opportunities to participate in events such as residential, confidence building workshops, employability and enterprise seminars, Year 11 maths conference, work placements, relationship building, first aid and food hygiene.
- All year 11 students have visited local colleges in advance of post 16 to get an idea of what it is like after leaving school.
- This facility gives students who are unable to learn in mainstream schools the opportunity to engage with education where there is greater support which enables them to thrive.
- The school raises achievement levels of young people who are not attending or finding it hard to succeed in mainstream schooling.
- The school offers GCSE and vocational qualifications, as well as work placements, which enable pupils to understand the critical importance of life skills such as punctuality, professionalism and communication.

- The school enhances educational choice rather than competing with other schools.
- The school provides a better environment for those with special educational needs e.g. those on an Autistic Spectrum, where mainstream education is not suitable.
- Student really settled and would be upset if they had to change schools again and would revert to not being able to learn, gain qualifications or make choices for when they left school. Wrong to judge what a school is like without seeing it.
- Comments made at committee are inaccurate and appear to insinuate that there should be no alternative to mainstream education other than permanent exclusions and education in a pupil referral unit, should students not be successful.
- Channeling Positivity is not a school for 'naughty' boys and girls, but a school which aims to be proactive in providing a personalised education for those who do not fit into societies 'norm' or 'one size fits all' approach.
- The measure of success is in the school's attempt to inspire the students to steer clear of becoming NEET (not in education, employment or training).
- Objections to the school are ideological and at the expense of the vulnerable and needy, and against the Labour ideals to help the poor and working class.
- The school offers extensive and intensive professional educational guidance and the nurturing required to support young people whose learning is being disrupted, which they are often powerless to overcome without specific educational assistance.
- The building was a warehouse. It has been remodelled, refurbished and re-designated internally as a bright, light, inspirational and professional education space, with dedicated classrooms, offices and social spaces.
- The location of the school is ideal, being at the heart of the community which it serves. This helps the students to be fully integrated into the local area and able to bring value to the nearby businesses when supporting work experience opportunities. The ethos of the school is outward looking and engaging with the community is of paramount importance.
- Strongly urge a visit to the school.
- Benefit of a school such as this is that it enables the students in mainstream education to learn without distractions.

**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.

## **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 had been vacant for a number of years; even with planning permission granted for sub-division and a mix of employment uses in 2012, there had 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 is acceptable.

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

- 7.2 The school specialises in education for secondary school pupils not able to attend traditional mainstream education. The catchment area is wide and primarily covers secondary schools to the south of the City, in both the Nottingham City and Rushcliffe administrative areas. There is currently no other facility of this type to serve this catchment. 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 is also provided.
- 7.3 In this respect the provision of the school is 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 only attend for a short period of time (e.g. 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 not therefore envisaged that the provision of education for these pupils results in an adverse impact on the living conditions of residents caused by any pupil behaviour issues. It is noted that there are no residential properties within the immediate vicinity of the site and that no objections have been received from local residents.

#### **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 is from Riverside Way, to the south. The school hours are day time only and there is a relatively low number of pupils. As such it is considered that the use of the building as a school does 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](mailto:sue.davis@nottinghamcity.gov.uk).     Telephone: 0115 8764046

**My Ref:** 15/02854/PFUL3 (PP-04614832)

**Your Ref:**

**Contact:** Mrs Sue Davis

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Date of decision:

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

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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.

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

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>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.</i>
<b>Pre-commencement conditions</b> (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.
<b>Pre-occupation conditions</b> (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.  <i>Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.</i>

**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/pcs](http://www.planningportal.gov.uk/pcs).

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

The map shows a residential area with several streets. A blue-shaded plot of land is located between Queens Drive and Robin Hood Way, adjacent to a river. The plot is irregularly shaped, with a narrow section extending towards the river. Surrounding streets include Crossgate Drive, Gateside Road, Dunsil Drive, and Riverside Way. Other nearby streets are Anmer Close, Ainsworth Drive, Royston Close, Hatley Close, Osman Close, Soudan Drive, and Colliery Close. The area is characterized by a mix of residential buildings and green spaces.

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## Key

**Description**  
No map description

