

REPORT OF CHIEF PLANNER

Fairham House, Green Lane

1 SUMMARY

Application No: 16/02648/PFUL3 for planning permission

Application by: WYG Planning Ltd on behalf of Cedar House Investments Ltd

Proposal: 24 apartments with associated car park and other works (outline); a foodstore, 4 non-food retail units and a cafe/restaurant with associated car park, alteration to the site access and other works (full), following demolition of Fairham House

The application is brought to Committee because the grant of planning permission would be a significant departure from the adopted Development Plan. It is also a major application on a prominent site, where there are important land use and design considerations.

To meet the Council's Performance Targets this application should be determined by 24th March 2017

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

- a) Prior completion of an agreement under section 111 of the Local Government Act 1972 to secure a section 106 obligation upon the subsequent disposal of the site to the developer, which shall include:
 - (i) A financial contribution towards off-site public open space at Clifton Central Park and/or Summerwood Lane Allotments
 - (ii) Financial contribution towards the provision of primary school places at Dovecote Primary School, Clifton

- b) The indicative conditions substantially in the form of those 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 the Chief Planner.

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

related to the development and (c) fairly and reasonably related in scale and kind to the development.

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

3 BACKGROUND

- 3.1 The Fairham House site is triangular in shape and is bounded by Green Lane to the south west, and Langstrath Road, which runs along the east and north boundaries of the site. The site is currently occupied by a vacant office building, which sits to the east of the site, and associated parking which fronts Green Lane. The remainder of the site has mature landscaping, with a belt of trees mainly along the northern and the south western boundary. The site is enclosed by a high palisade fence around the perimeter. The site is allocated as open space in the Local Plan, but is proposed to be re-allocated for a mix of uses (residential, retail and employment) in the emerging Local Plan Part 2 - LAPP.
- 3.2 There are residential properties surrounding the site, on the opposite sides of Green Lane and Langstrath Road. These dwellings are two storey and a mix of terraced and semi-detached.
- 3.3 The site is in close proximity to the Clifton District Centre, which starts to the south east of the site, beyond a pair of semi-detached properties on Green Lane.

4 DETAILS OF THE PROPOSAL

- 4.1 This is a hybrid application which seeks outline planning permission for 24 apartments with associated car parking and other works, and full planning permission for a foodstore (Lidl), four non-retail units and a café/ restaurant, with associated parking, alteration to site access and other works, following the demolition of Fairham House.
- 4.2 The proposed residential scheme would occupy the north-west corner of the site. As this element is for outline permission, the matters to be considered at this stage are access and scale.
- 4.3 Six units are proposed with an overall total of 5749 sq m of A1 retail and 167 sq m of A3 café/restaurant. Unit G, the larger retail unit located to the east of the site, would be for the retailer Lidl. The other larger unit would be non-food retail, with the remaining three A1 units being smaller, and located to the north-west side of the site. All units would face the shared parking area to the centre of the site.
- 4.4 Aside from the planning history relating to Fairham House itself, there have been no relevant planning applications for the site.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

100 to 144 (evens) and 145 to 147 (odds), 73 and 75, 78 to 90 (evens) Green Lane
5 to 91(odds) Langstrath Road
41 and 48 to 58 (evens) Stanesby Rise

1 to 18 inclusive Dunsby Close
1, 2, 3 and 5 The Glen

A site notice was posted and a press notice published.

Overall expiry date 25.01.17.

4 letters of objection received.

Grounds of objection are:

- Concerns regarding existing parking and the road situation on Langstrath Road. With only a limited amount of staff parking being made available, this would result in staff wanting to park along Langstrath if there are limited spaces on the site.
- The low height of the perimeter fence (on the east boundary) would encourage people to hop over rather than use the proper access paths. A fence like the existing one would provide more security.
- Query regarding hours of opening as concerns regarding noise from customers and cars late at night, and noise from deliveries early in the morning.
- There is a problem with litter on Green Lane emanating from the recently opened KFC and McDonalds on Clifton Lane. What measures will be taken to minimise litter from the new site?
- The proposed apartments are smaller than standard Clifton houses and concerns raised that this would attract the type of resident who would be more disruptive. Would like to know who it is anticipated would be living in the apartments and would any be sold to investors for renting out?
- Would the site be left open at night, or locked with security or cctv? Concerned that the site would be a popular place for teenagers to hang out in the evenings, as happens in the car park at Morrisons.
- The demolition and building works will obviously cause some short term disruption. Would like to know what hours the workmen will be starting and finishing.
- Concerns that the development will affect the value of (my) property due to the close proximity. Is there any evidence from previous similar schemes as to whether this could be an issue?
- The proposal is not an optimum use of the site and all residential with an A1 discount food store would be better.
- Proposal pre-empts the adoption of the new local plan part 2 (in which the site is allocated for residential and retail, with the potential for employment uses (B1)).
- The proposal would weaken the existing Clifton shopping area, in terms of its' compactness, and most of the proposed is not needed as could be accommodated in the existing centre, or opposite, or within the Riverside Retail Park (Queens Drive, to the north of Clifton).
- Existing houses would be wedged in between the existing centre and the proposed site.
- No details in the application as to why none of the existing buildings could be retained or if the building waste would be re-used on site.
- Un-inspiring unit design, and three storey indicative residential in the proposed position isn't ideal.
- A discount food store would have been more appropriate instead of the two

drive thru's on the Clifton Lane site but this idea was rejected.

- Concerns that the local Ward Councillors won't be challenging any part of the proposal at Planning Committee.
- Outlook across the green space would be lost, with view of the backs of the units instead.
- Increase in volume of traffic (along Langstrath) on this narrow road as had previous problems with Morrison's delivery vehicles using the road, amongst others.
- The noise levels are going to increase.

Additional consultation letters sent to:

Policy: The retail element of the proposal accords with relevant policies which relate to the role of Town and Local centres, and new retail development on the edge of existing centres. The residential as part of the overall scheme is considered to be acceptable in principle.

Environmental Health and Safer Places: Recommend pre-commencement conditions relating to environmental noise assessment, electric vehicle charging points, ventilation, hours of operation and deliveries, and lighting.

Highways: Following the receipt of amended plans showing highway improvements and a pedestrian refuge on Green Lane, no objections subject to conditions relating to Construction Management Plan, details of cycle shelters and a travel plan.

Drainage: No objections.

Tree Officer: Accepting of the loss of the majority of the trees shown to be removed, but suggests that the layout of the residential element of the site could be adjusted to allow for retention of more trees along the northern boundary with Langstrath Road, to help with screening and to enhance visual amenity. Would require additional trees along the frontage and within the car park to compensate.

Biodiversity Officer: Would require an enhanced landscaping scheme to mitigate for tree and habitat losses. Recommend bat surveys be carried out prior to the demolition of Fairham House.

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 the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision 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 contribute to conserving and

enhancing the natural environment and support the transition to a low carbon future.

- 6.3 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.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.

Aligned Core Strategy:

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 6: Role of Town and Local Centres - aims to maintain and enhance the vitality and viability of all centres.

Policy 8: Housing Size, Mix and Choice - Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. Within Nottingham City there should be an emphasis on providing family housing, including larger family housing.

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

Policy 17: Biodiversity - seeks to increase biodiversity by, amongst other things, supporting the need for the appropriate management and maintenance of existing and created habitats and by mitigating harm to biodiversity.

Nottingham Local Plan (November 2005):

E4 - Previously Used Employment Sites.

H2 - Density.

ST1 - Sustainable Communities.

NE5 - Trees.

NE9 - Pollution.

R1 - The Open Space Network.

S5 - Retail development, Edge/Outside Centres.

S7 - Food and Drink.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development, including loss of open space
- (ii) Layout and Design, including landscaping
- (iii) Impact on Neighbours
- (iv) Impact on Highways
- (v) Planning Obligations
- (vi) Other Matters

Issue (i) Principle of Development (ACS Policies 4, 6 and 8, LP Policies E4, S5, S7, R1 and ST1)

- 7.1 The proposed development would be a departure from the Local Plan as the site is allocated as part of the Open Space Network under Policy R1 of the current Local Plan. In the emerging Local Plan Part 2 – Land and Planning Policies, the site is allocated as a development site for residential (C3) and retail (A1), and also the potential for employment uses (B1). Therefore the principle of the loss of the site for open space and as a wholly employment site aligns with the emerging Local Plan, that is at an advanced stage in the adoption process. The existing office premises have been vacant for many years and it is recognised that this is an unusual and relatively isolated location for office premises that does not lend itself to a continued use of this nature. ACS Policy 4 and Local Plan Policies R1 and E4 are therefore satisfied.
- 7.2 The application is supported by a planning statement which includes a sequential test and impact assessment, and concludes that the demand for new retail facilities in Clifton may increase significantly from growth in the future population associated with the proposed urban extension located immediately to the south of Clifton, within the Rushcliffe Borough. The Rushcliffe Borough Council Core Strategy provides for up to 3,000 homes on that site. The development of the site for retail, being in close proximity to the existing district centre, would also have benefits in that it would provide opportunities for linked trips, reduce shopping trip journey

times and would be a catalyst for further investment and development in the Clifton area. The site is in a highly sustainable location being close to a well- served public transport route, with further public transport links along Green Lane itself. The proposal is therefore considered to accord with ACS Policy 6, and Local Plan Policies S5 and S7.

- 7.3 The proposal would provide employment and training opportunities both during the construction phase and the operational phase of the development, which would offset any losses from the previous employment use on the site.
- 7.4 The outline application for the residential development, to the north-west corner of the site, is shown as apartments. The provision of two bedroom dwellings would contribute to the maintenance of a sustainable community by providing a mix of housing types in the area, where the predominant offer is three bedroom semi-detached and terraced two storey housing. In this regard the proposal therefore satisfies ACS Policy 8 and Local Plan Policy ST1.

Issue (ii) Layout and Design (ACS Policies 8 and 10, LP Policies H2)

- 7.5 The layout has been defined by the constraints and opportunities of the site. The principal site frontage is to Green Lane, where there are existing vehicular accesses, with all boundaries having mature landscaping and trees set behind railings.
- 7.6 A public consultation exercise was held by the developer prior to the application being submitted. The proposed layout has taken into account some of the feedback received as a result.
- 7.7 An extensive area of public realm, incorporating existing landscaping, is proposed for the southern corner of the site, providing a welcoming entrance to the retail area for pedestrians coming to the site from the existing Clifton shopping area. The existing sub-station in this area has been screened and incorporated into the landscaped area. During the life of the application the parking layout has been improved with additional trees and a central pedestrian route incorporated. The tree belt to the northern boundary is largely retained, as are the existing hoop topped railings along this boundary. Vegetation along the Green Lane frontage is to be removed for reasons of visual permeability, but would be compensated for with the tree planting throughout the car park and within the wide verge along this frontage. Furthermore, the boundary would be enclosed with a low wall/railing and associated soft landscaping. The service yard to the north of the retail units is to be enclosed by a substantial fence atop a gabion wall base, with sections of climbing plants provided to enhance its appearance.
- 7.8 The retail units are to be finished in brick with a band of high level cladding, incorporating large glazed 'shop fronts' and a uniform approach to signage. The food retail unit in particular has an extensive glazed frontage that is sited to provide an attractive anchor point at the primary pedestrian point of arrival, closest to the existing District Centre. Elsewhere this unit follows the occupier's corporate design that incorporates silver coloured cladding above white rendered walls. The building presents a long side elevation to Langstrath Road so to mitigate its impact intervening landscaping is proposed, the strategy for which incorporates 'climbing plant' structures set amidst trees and lower level vegetation. The combination of all three is considered to be an appropriate response to this element of the site and

would provide an acceptable frontage when viewed from the residential properties opposite.

- 7.9 Access and scale are the matters to be considered for the residential part of the development. The access is acceptable off Green Lane and would minimise any impact on parking and access for the residents of Langstrath Road. Matters to be reserved for future approval are layout, appearance and landscaping.
- 7.10 The scale of the residential development, at three storeys in height, is considered to be acceptable as the proposal is not immediately adjacent to other residential properties, and would be seen in the context of the retail development. The siting and scale are also considered to be appropriate for this leading corner of the site when approaching from the west.

Issue (iii) Impact on Neighbours (ACS Policy 10 and LP Policy NE9)

- 7.11 There are residential properties surrounding the site. The proposal would not have an adverse impact on the amenities of the occupiers of residential property in terms of loss of light, privacy or overlooking. In regard to outlook, the majority of trees to the north and east boundary would be retained, helping to screen the development. Improvements to the appearance of the service yard enclosure to the north would also assist in improving the outlook from the residential properties, as would the enhancement to the eastern boundary as described above.
- 7.12 In terms of noise, whilst the service yard would be located to the rear of Unit F, the larger non-food retail unit, there would be a retaining wall with an acoustic screen above. It is considered that these measures, along with the retention of the trees and appropriate conditions covering hours of operation, delivery times, ventilation and noise, would result in an acceptable environment for the occupiers of nearby properties.

Issue (iv) Impact on Highways (ACS Policy 10)

- 7.13 All vehicular traffic would access the site from Green Lane, which is the same as the existing arrangement. The site is in a sustainable location, and well-designed public access routes have been proposed.
- 7.14 The layout as proposed would be sufficient to ensure that all parking, servicing and deliveries would be contained within the site. This would ensure that over-spill parking would be unlikely on surrounding streets.
- 7.15 Improvements to the accesses and the provision of a pedestrian refuge on Green Lane, further enhance pedestrian accessibility to the site.

Issue (v) Planning Obligations (Local Plan Policy R2 and Aligned Core Strategy Policies 10, 16 and 19)

- 7.16 The City Council is the current freehold owner of the application site, and the developer has a leasehold term of 99 years (of which less than 50 years remain). It is understood that the developer proposes to purchase the freehold interest from the Council though contracts have not yet been exchanged. In order to secure the appropriate section 106 planning obligation, an agreement under section 111 of the Local Government Act 1972 is needed, which will require the developer to enter

into a subsequent s106 planning obligation once it has acquired the freehold interest in the land.

7.17 Regarding the residential element of the scheme, the section 106 requirement associated with a development of this scale would secure financial contributions towards the following:

- Public Open Space
- Education

It is proposed that the public open space contribution would be used towards improvements at Clifton Central Park and/or Summerwood Lane Allotments, which are part of the nearest and largest area of public open space that would readily accessible to the residents of this development. It is proposed that the primary education contribution would be used towards expanding the capacity of the Dovecote Primary School, which serves the catchment area the site is located within.

7.18 The sums that would be generated by the proposal for public open space and education will be dependent upon the precise number of bed spaces that are approved as part of the reserved matters scheme; this will be addressed with the inclusion of relevant formulas within the S106 obligation. For example, if the final approved scheme comprises 2 bed units, the open space contribution would be around £22,272.96 (24 apartments x multiplier of £928.04 per 2 bed unit). On the same basis, the primary education contribution would be around £21304.44 (the development would generate approximately 1.66 primary school pupils x £12,834.00 per place).

7.19 In respect of both the open space and the education contributions, the Section 106 obligations sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

Issue (vi) Other Matters

7.20 There are several grounds of concern raised by objectors. Concerns such as late night noise and deliveries, and disruption from construction and demolition are addressed through the imposition of conditions. Various elements of boundary enclosure are discussed in the report. To the northern boundary and around the residential element of the scheme, the existing hoop top railings are to be retained. The eastern boundary will be by a combination of the existing railings at its northern end, by the service yard enclosure and by the side of the food retail unit itself, with landscaping in front of this.

7.21 The response to retail need, compactness of the existing centre and position are addressed under Issue (i) above.

7.22 Other matters, such as value of property, proposed type of tenancy, and the re-use of building waste are not material planning matters. Concerns regarding litter and security would be matters for those with overall management responsibility for the site. Notwithstanding this, conditions are recommended requiring a management plan to address litter and security, and for details of lighting throughout the site.

7.23 The position of Local Ward Councillors is a matter for their consideration. The reporting of the application to Planning Committee ensures that the proposals will be given the appropriate level of scrutiny.

8. SUSTAINABILITY / BIODIVERSITY

8.1 The buildings are to incorporate a range of energy reduction techniques such as a fabric first approach, high performance glazing, minimising solar gains and making good use of natural daylight. Lidl would see a percentage improvement in energy savings of 25%, with the remaining retail units achieving 12%.

8.2 The existing buildings on the site, which are to be demolished, have the potential for roosting bats. A bat survey is recommended to be undertaken prior to the demolition of the buildings. Recommendations in the Ecological Report, such as bat boxes, are welcomed and would be secured by condition.

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

Neighbourhood Nottingham: Redevelopment of a long term vacant site with a high quality, sustainable development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

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

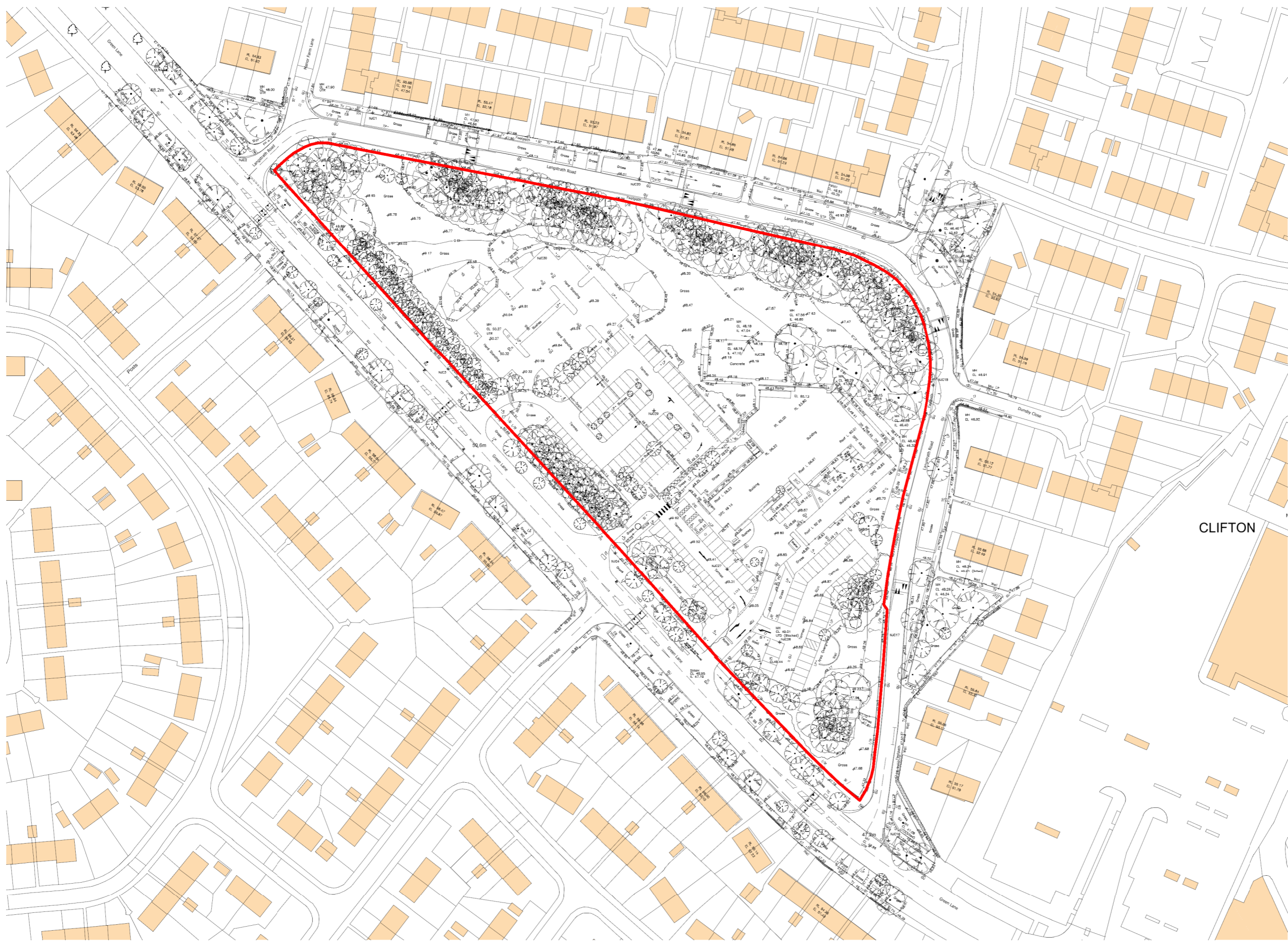
1. Application No: 16/02648/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OGTYICLY0HZ00>
2. Environment Agency comments received 21st December 2016
3. Letters from neighbours dated 3rd, 4th and 6th January 2017
4. Drainage section comments 10th and 13th January 2017
5. Tree Officer comments dated 5th January 2017
6. Noise and Pollution Control section comments dated 17th January 2017 and 7th February 2017
7. Policy comments dated 18th January 2017
8. Biodiversity Officer comments dated 14th February 2017
9. Highway section comments dated 7th February and 24th February 2017

17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005)
2. Aligned Core Strategy
3. National Planning Policy Framework
4. Local Plan Part 2 – Land and Planning Policies

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CLIFTON

REV	DESCRIPTION	INITIALS/ DATE	
Job Name			
Cedar House			
Clifton Retail Park			
Green Lane / Clifton			
Nottingham			
Drawing Title			
Site Location Plan			
Existing			
Status			
Planning			
Date	Sheet By	Scale @ Size	
AUG '16	CLB	1:500@A3	
Job Number	Code	Drawing Number	Rev
4106	PL	001	-

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Date of decision:

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

Application No: 16/02648/PFUL3
Application by: Cedar House Investments Ltd
Location: Fairham House, Green Lane, Nottingham
Proposal: 24 apartments with associated car park and other works (outline); a foodstore, 4 non-food retail units and a cafe/restaurant with associated car park, alteration to the site access and other works (full), following demolition of Fairham House.

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 retail 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.

2. Application for the approval of any reserved matters in regard to the residential element of the planning permission (that is; layout of the site, appearance of the buildings, and the landscaping of the relevant part of the site) shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with Section 92 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)



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Not for issue

Continued...

3. Each element of the development (the retail element and the residential element) shall not be commenced until an electric vehicle charging scheme for that element has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be based on the following:

For the residential development:

- 1 electric vehicle charging point per domestic unit (i.e. dwelling with dedicated off street parking), and,
- 1 electric vehicle charging point per 10 parking spaces (unallocated parking)

For the retail development:

- Electric vehicle charging points in 5% of parking spaces (to a maximum of 10 electric vehicle charging points).

Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.

4. The residential element of the development shall not be commenced until an environmental noise assessment and sound insulation scheme, have been submitted to and approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Reason: To safeguard the health and residential amenity of the occupants of the existing and proposed residential dwellings to comply with Policy NE9 of the Nottingham Local Plan.

5. The retail element of the development shall not be commenced until an environmental noise assessment and sound insulation scheme have been submitted to and approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development as a whole and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

Reason: To safeguard the health and residential amenity of the occupants of the existing and proposed residential accommodation to comply with Policy NE9 of the Nottingham Local Plan.

6. Prior to the installation of any external lighting, an external lighting assessment for the development shall be submitted to and approved in writing by the Local Planning Authority.

The external lighting assessment shall specify an appropriate external lighting scheme for the development and shall ensure that:

- i. Direct illumination of 'habitable rooms' (i.e. living rooms and bedrooms) does not occur and that any nearby residents are not subjected to glare anywhere within the boundary of their property,
- ii. There is no significant increase in existing light levels, attributable to the development, at the boundary of any nearby residential properties.

The submission shall also include the design and configuration specification for the external lighting scheme and a prediction of light levels at the boundary of the nearest affected residential properties (vertical and horizontal isolux plots) attributable to the development. Thereafter the lighting scheme shall be installed as approved.

Reason: To safeguard the health and residential amenity of the occupants of nearby residential properties to comply with Policy NE9 of the Nottingham Local Plan.

7. The retail element of the development shall not be commenced until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

8. Each element of the development (the retail element and the residential element) shall not be commenced until details of the areas to be hard landscaped for that element, (including the proposed parking areas and access road,) which should be of permeable materials where possible, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

9. Each element of the development (the retail element and the residential element) shall not be commenced until details of a landscaping scheme, including details of tree pits/trenches, the type, height, species and location of the proposed trees and shrubs, and a management and maintenance plan, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

10. No equipment, machinery or materials shall be brought onto the site in connection with either element of the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

11. Each element of the development (the retail element and the residential element) shall not be commenced until details of a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- a) The loading, unloading, parking and turning of vehicles pertaining to construction vehicles, site operatives and visitors, to be accommodated within the site;
- b) Storage of plant and materials used in constructing the development.
- c) Wheel washing facilities.
- d) Measures to control the emission of dust and dirt during construction.

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

12. Each element of the development (the retail element and the residential element) shall not be commenced until details of cycle shelters have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to promote sustainable modes of transport in accordance with Policy 10 of the Aligned Core Strategy.

13. No element of the development shall be commenced until details of tree landscaping to the Green Lane verge, which should include tree pits/trenches, and the type, height, species and location of the proposed trees, and a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the trees shall be planted in accordance with the timetable.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

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

14. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve each phase of the development including any mitigation measures have been implemented prior to occupation of any part of the retail element of the development.

Reason: To safeguard the health and residential amenity of the occupants of the existing and proposed residential accommodation to comply with Policy NE9 of the Nottingham Local Plan.

15. No part of the residential element of the development shall be occupied until the sound insulation scheme, including glazing and any complementary acoustical ventilation, has been fully installed in accordance with the details approved.

Reason: To safeguard the health and residential amenity of the occupants of the existing and proposed residential dwellings to comply with Policy NE9 of the Nottingham Local Plan.

16. No part of the retail element of the development shall be occupied until the cycle shelters have been provided.

Reason: In the interests of highway safety and to promote sustainable modes of transport in accordance with Policy 10 of the Aligned Core Strategy.

17. No part of the retail element of the development shall be occupied until the hard landscaped areas have been completed in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

18. Prior to the first occupation of any unit within the retail element of the site, a management plan that covers litter and security for the wider retail site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory, and to safeguard residential amenity to comply with Policy 10 of the Aligned Core Strategy.

19. Prior to first occupation of any part of the site, details of the extent of the hoop top railings to be retained, and any proposed refurbishment works, shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

20. Prior to the occupation of any unit where food is to be prepared, both hot and cold, including A1 and A3 uses, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

Reason: To safeguard the health and residential amenity of the occupants of nearby property to comply with Policy NE9 of the Nottingham Local Plan.

21. Within three months of the first occupation of the retail element of the development, a full travel plan shall have been submitted to and approved in writing by the Local Planning Authority. The travel plan should include:

- Results of a baseline travel survey;
- A parking management strategy for the site;
- Name and contact details of a travel plan co-ordinator;
- Details of Travel Packs for the residential part of the site.

Reason: In the interests of highway safety and to promote sustainable modes of transport in accordance with Policy 10 of the Aligned Core Strategy.

22. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the first occupation of any unit in the retail element, or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

23. Prior to first use of any unit where food is to be prepared, the approved ventilation scheme shall be implemented and made fully operational.

Reason: To safeguard the health and residential amenity of the occupants of nearby property to comply with Policy NE9 of the Nottingham Local Plan.

24. No Class A1 or A3 unit hereby permitted shall be open to customers outside the hours of 8am to 11pm Monday to Saturday, and 10am to 11pm on Sundays and Bank Holidays.

Reason: To safeguard the health and residential amenity of the occupants of nearby property to comply with Policy NE9 of the Nottingham Local Plan.

25. No Class A1 or A3 unit hereby permitted shall allow deliveries outside the hours of 7am to 7pm on any day.

Reason: To safeguard the health and residential amenity of the occupants of nearby property to comply with Policy NE9 of the Nottingham Local Plan.

26. Prior to the demolition of any part of the existing buildings on the site, a bat activity survey shall be carried out by a suitably qualified person(s) and between the months of May to September inclusive. The survey should include any mitigation measures required as a result of the outcome of the survey. The results of the survey shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of safeguarding the health and habitat of protected species to comply with Policy NE3 of the Nottingham 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 following drawings/documents:
- Plan reference 002, received 18 November 2016
 - Planning Layout reference 003 revision F, received 3 March 2017
 - Elevations reference 004, received 18 November 2016
 - Elevations reference 005 revision A, received 3 March 2017
 - Plan reference 022 revision B, received 18 November 2016
 - Plan reference 023 revision A, received 18 November 2016
 - Plan reference 024, received 18 November 2016
 - Plan reference 025 revision A, received 18 November 2016
 - Plan reference 026, received 18 November 2016
 - Plan reference 027, received 18 November 2016
 - Plan reference 028 revision A, received 18 November 2016
 - Plan reference 029, received 18 November 2016
 - Elevations reference 032 revision B, received 18 November 2016
 - Elevations reference 034, received 18 November 2016
 - Elevations reference 036, received 18 November 2016
 - General reference 042, received 18 November 2016
 - General reference 044, received 18 November 2016
 - General reference 046, received 18 November 2016
 - General reference 050 revision A, received 3 March 2017
 - General reference 007 revision A, received 3 March 2017
 - Planning Layout reference 008 revision A, received 3 March 2017
 - Landscaping reference L01 revision P2, received 7 March 2017

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.
2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.
3. Our Environmental Health Team advise:

Radon Affected Areas:



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

DRAFT ⁷ ONLY
Not for issue

Continued...

According to the Public Health England (PHE) radon inside buildings is the main source of human exposure to radiation in the UK. Their advice for residential and other properties is that the Action Level for radon concentrations should be 200 Bq m⁻³ and the Target Level should be 100 Bq m⁻³. Most of the Nottingham city area falls within Radon Class 1 where less than 1% of homes are estimated to be above the Action Level. These areas are regarded as lower probability radon areas. However some parts of the Nottingham city area fall within Radon Classes 2, 3 or 4 where respectively 1% to <3%, 3% to <5% or 5% to <10% of homes are estimated to be above the Action Level. Areas where more than 1% of homes are estimated to be above the Action Level are termed Radon Affected Areas. Furthermore areas where between 1% and 10% of homes are estimated to be above the Action Level are regarded as intermediate probability radon areas. This development site is classified as being in a Radon Affected Area (Class 2) and as such between 1% to <3% of residential buildings in this area are estimated to have radon levels above the Action Level of 200 Bq m⁻³.

Consequently based on advice from Public Health England it is recommended that in order to protect the health of future residents or occupiers of this development from the adverse effects of radiation all new buildings, extensions, conversions & refurbishments:

i. Should include basic radon protection measures as a minimum consisting of a well-installed damp-proof membrane, modified and extended to the outer layer of construction to form a radon-proof barrier across the ground floor of the building,

ii. The domestic Action Level and Target Level should be applied to non-domestic buildings with public occupancy exceeding 2000 hours per years and also to all schools.

Further guidance may be found in Radon - Guidance on Protective Measures for New Buildings BRE 211 (2015), Building Regulations Approved Document C and the Public Health England website <http://www.ukradon.org/>.

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

Environmental Noise Assessment:

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

Commercial Noise:

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must 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.

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

Electric Vehicle Charging Points:

A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

Indicative EV Charging Point Provision (Commercial / Industrial / Retail):

Provision of EV Charging Points		
Proposed Parking Spaces	2.5%	5%
10	1	2
20	1	2
50	1	3
100	3	5
200+	5	10

Control of Odour & Provision of Adequate Ventilation:

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation:

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

External Lighting Scheme

The approved external lighting scheme shall be maintained and serviced in accordance with manufacturer's recommendations while the development continues to be occupied.

4. The City Council Highway section advise:

During construction:

- Vehicles delivering to the site cannot be permitted to wait/park on the highway.
- Adequate precaution shall be taken during the construction period to prevent the deposit of mud and other similar debris on the adjacent public highways.

Other matters:

All parking areas shall be provided with minimum dimensions of 2.4m x 5.5m with permeable surface construction.

Space for disabled parking bays are to be provided that are fit for purpose and of required dimensions. Spaces should be signed and kept for sole use by disabled users.

Temporary and permanent Traffic Regulation Orders will be required during the construction process and for the life of this development site. These have separate legal processes and the Orders can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the processes to be completed; please contact Traffic Management on 0115 876 5245 to instigate the process.

Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

Planning consent is not consent to work on the highway. To carry out the permanent and temporary off-site works associated with the planning consent, 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 8765293 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. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at www.leics.gov.uk/htd

For drainage information the applicant is advised to contact Paul Daniels Senior Drainage Engineer 0115 8765275 or Nick Raycraft Senior Drainage Engineer 0115 8765279.

The applicant is advised to contact Robert Smith Senior Transport Planner 0115 8763604 to discuss sustainable transport measures. Residential travel plan packs are to be prepared for each household and all costs borne by the applicant.

For TRO advice and further information the applicant is advised to contact Scott Harrison on 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: 16/02648/PFUL3

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.



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Nottingham
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