

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site Of Society Linen And Electricity Substation, Daleside Road

1 SUMMARY

Application No: 14/01140/POUT for outline planning permission

Application by: Signet Planning Limited on behalf of Cedar House Investments

Proposal: Development of foodstore (Class A1) of 1,531 sq.m. gross, together with other retail units (Class A1) of 2,787 sq.m. in total; restaurant building (Class A3) of 186 sq.m.; employment/ancillary use building (Class B1/Class D1) of 311 sq.m.; 235 car parking spaces; access; public realm and strategic landscaping. Appearance reserved for restaurant and employment/ancillary use building. Details of landscaping reserved across site as a whole (Hybrid application for full/outline permission).

The application is brought to Committee because it is a proposal for a major development in the Waterside Regeneration Zone and raises important issues in relation to its local and wider context.

To meet the Council's Performance Targets this application should have been determined by 19th August 2014

2 RECOMMENDATIONS

1. **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

- (a) prior completion of a Section 106 Planning Obligation which shall include:
 - i) a financial contribution of £60,000 towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.
- (b) 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 both the terms of the Planning Obligation and conditions of planning permission be delegated to the Head of Development Management and Regeneration.

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

to the development.

3 BACKGROUND

- 3.1 This is a 1.8 ha cleared site of the former Sunlight laundry located on the north-western side of the roundabout junction of Daleside Road A612 with Trent Lane. Following demolition of the former buildings in 2008, the heavily contaminated site was remediated by the applicants.
- 3.2 Neighbouring properties on the northern side of Daleside Road are predominantly in industrial and warehouse use, but there is a pair of two storey semi-detached houses adjoining the application site boundary to the west on Daleside Road. There is another large cleared site further to the west. Virgin Media's offices and depot are located on the north-eastern side of the roundabout and front onto Daleside Road. The frontages to the southern side of Daleside Road comprise a variety of commercial uses including equipment hire, various manufacturing and metal fabrication premises, electrical contractors and a café and car sales site. The Sneinton Greenway runs east-west on a former embankment immediately to the north of the site and the railway line from Nottingham to Grantham and Newark runs immediately to the north of and parallel to it. The Greenway Community Centre lies on the western side of Trent Lane to the north of the railway.
- 3.3 Pedestrian access northwards along Trent Lane and into Sneinton is via a bridge arch beneath the elevated Greenway and across a pedestrian bridge recently provided by Network Rail, which removed the previous level crossing.

4 DETAILS OF THE PROPOSAL

Proposed Development

- 4.1 The submission is a hybrid application, meaning one that seeks full planning permission for part of a site and outline planning permission for the remaining part. In this instance the full submission element is for a proposed Aldi foodstore and other Class A1 retail units and the outline element is for the proposed restaurant and employment/ancillary use buildings.
- 4.2 The layout of the proposed development is in two principal blocks. The proposed Aldi foodstore is positioned to the west of the site, perpendicular to Daleside Road and with its primary elevation facing towards the proposed car park. The proposed retail units (five) are in a single block to the rear of the site again with their primary elevation facing towards the proposed car park. The proposed employment/ancillary use building is positioned at the eastern end of the proposed retail units and next to Trent Lane. The proposed restaurant building is positioned proximate to the corner of the site at the roundabout junction between Daleside Road and Trent Lane.
- 4.3 Access to the 235 space car park of proposed development would be off Trent Lane, with a second independent access also being provided off Trent Lane for service vehicles. Servicing would be carried out to the rear of the proposed retail buildings, including a goods vehicle turning area and staff parking spaces to the north-west corner of the site.
- 4.4 Areas of hard and soft landscaping are to be provided primarily around the

perimeter of the site. Pedestrian routes are included across the frontages of the retail units and through the car park area.

Planning History

- 4.5 The application site has a recent and relevant planning history. Outline Planning Permission was first granted on 6 May 2011 for the erection of a new convenience goods store, Class A1 retail, Class A3 restaurant/cafe uses and Class B1 uses and car parking (10/00457/POUT). Permission to vary a condition of this consent was also granted on 7 October 2011 (11/01661/PVAR3) and provided scope for the convenience goods store to be developed and used without the associated development of the approved Class B1 offices. This varied consent is a new Outline Planning Permission in its own right and remains extant until 7 October 2014.
- 4.6 The assessment and recommendation on the original application was very finely balanced in terms of its planning policy implications and whether it would deliver local regeneration benefits. There was particular concern that the proposed convenience store would not meet the needs of existing communities or those yet to be established, but would instead function as an out of centre superstore attracting mainly passing car-borne trade using Daleside Road. Balancing this was the prospect that the primary retail development of the site could provide the catalyst for investment that this part of the Waterside Regeneration Area needs and that the package of s106 benefits would help to overcome the issues of accessibility to local residents presented by the site..
- 4.7 The applicant has advised that the site has been on the market for the period since Outline Planning Permission was first granted. However, it has not been capable of being delivered given the economic downturn and lack of large foodstore operators being interested.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 Following the format of the previous applications, there has been extensive consultation on the application. A total of 479 individual neighbour letters have been issued, advising residents and businesses of the application submission. Site and press notices have also been posted. The following responses have been received:
- 5.2 **Nathaniel Lichfield & Partners on behalf of Intu Properties plc:** The application site is in an out-of-centre location as indicated within the NPPF. Out of centre retail development must not have a significant adverse impact upon the vitality and viability of Nottingham City Centre and upon planned investment in the City Centre. Our client is concerned about the implications of these application proposals upon planned investment at intu Victoria Centre and intu Broadmarsh.

Intu is concerned that the size of the proposed five open A1 units, which range between 465 – 743 sq.m, could attract comparison retailers resulting in an adverse impact on the City Centre. It is likely these units will be occupied by national multiple comparison goods retailers, which should be located within the City Centre, in accordance with the sequential approach.

In relation to convenience floorspace, the application seeks open A1 permission for

the five units, although states that it is likely these will be taken by non-food operators. The convenience goods impact assessment does not include this floorspace. The impact assessment is therefore flawed and needs to be reviewed.

Following the review of a robust impact and sequential assessment that meets the requirements of the NPPF, if the Council decided to recommend approval we request that conditions are attached to limit the size of retail units to a maximum of 300 sq.m gross internal floor area in order to avoid prejudice to the vitality and viability of defined centres. It is also requested that the net sales area of the foodstore be limited to 1,125 sq.m including any floorspace provided through mezzanine floors, and that the sale of comparison goods be limited to no more than 30% of the net sales area of the foodstore.

- 5.3 **Chair of River Crescent Residents Association:** Support proposal. In order to help achieve the City Council's objectives for the realisation of the long awaited Waterside Regeneration, It is essential to provide the amenities of a food store, restaurant and retail units within walking distance of the existing and proposed housing developments in this important regeneration area.
- 5.4 **Tenant of River Crescent apartments:** Support proposed supermarket and other businesses.

Additional consultation letters sent to:

- 5.5 **Planning Policy:** This application primarily proposes out of centre retail in the Waterside Regeneration Zone as defined in the Local Plan. Policies S5 'New retail development on the edge of or outside existing centres' and MU6 'Waterside Regeneration Zone' are therefore of particular relevance. In the emerging Local Plan (LAPP), the site is allocated (LA67) and provisionally considered suitable for A1 retail, B1 office and A3 restaurant café uses.

In 2011, outline planning permission (ref: 10/00457/POUT) was granted for a 3588sqm new convenience goods store, 766sqm A1 retail/A3 restaurant/cafe uses and 1865sqm B1 office uses. It is acknowledged that the current proposal, whilst of similar retail floor space quantum, is materially different by way of provision (comparison and convenience shopping mix) and layout.

The sequential and impact assessments submitted accord with NPPF requirements. It is considered that there are no alternative sequentially preferable sites available and any potential impacts, particularly on the city centre are likely to be minimal.

In accordance with policies MU6 and S5, it is considered that the development would assist in enabling wider regeneration aims and redevelopment of brownfield sites for a variety of uses, providing a valued contribution to the Waterside Regeneration Area. The recent planning permission for Trent Basin is also noted, as is support for the scheme from occupants at River Crescent. It is considered that the food store element of the proposal would provide for and serve the local area, a requirement identified in the Waterside Interim Planning Guidance.

Paragraph 3.7 of the Retail and Economic Assessment notes that the 'supporting retail floorspace of 2,787 sqm gross to accommodate a minimum of five retail units ranging in size from between 465 sqm and 743 sqm gross'. In view of the above, this is considered acceptable subject to planning conditions to reflect the layout as

submitted, to ensure the supporting retail provision remains in this role.

- 5.6 **Highways:** No objection subject to revisions to layout. It is requested that the number of accesses onto Trent Lane be reduced in order to control traffic flows and ensuring highway safety. Details of the car park access should also provide greater pedestrian provision. East-west pedestrian movement through the car park could be improved. Construction Traffic Management Plans will be required for each phase of the development. Drainage details incorporating SUDS techniques are also required.
- 5.7 **Pollution Control:** Note the history of previous decontamination of the site. Advise that the applicant should provide information regarding the current condition of the site in order to confirm the need or otherwise for contaminated land and gas conditions. Recommend condition to require a noise management plan in relation to proposed Aldi store (Unit G) given adjacency to nearest residential properties. Also recommend that operating and servicing times for the development should be conditioned.
- 5.8 **Environment Agency:** No objection subject to conditions relating to surface water drainage and mitigation of risk of surface water pollution.
- 5.9 **Nottingham Regeneration Limited:** Support. For several years NRL has been seeking to promote the redevelopment of Nottingham Waterside and Trent Basin in particular. River Crescent has just secured its future and development is about to start at Trent Lane. Both these schemes and other residential developments that will come forward will require access to local services, including a small food store, which are not currently present within the area. It was previously accepted that the proposed local centre would be better located at the application site and as such the current proposal is consistent with that policy aspiration, particularly if developed alongside complementary restaurant and employment/ancillary uses. As such NRL is supportive of the proposal in principle and we trust that the applicant can be encouraged to proceed with the development as soon as possible in order provide the confidence to the residential developers within the area.
- 5.10 **Network Rail:** No objection subject to requirements that site drains away from railway infrastructure and works are carried out in a manner that does not endanger safe operation of railway. A trespass proof fence must be provided adjacent to Network Rail's boundary. Details of landscaping and lighting should be carefully considered in relation to railway operation. Recommend that these matters are conditions of any consent.
- 5.11 **Nottingham Civic Society:** Objection. Development claims to be a new Local Centre for Sneinton and Waterside but it makes no attempt in its design, to create a sense of place from the new buildings and spaces. The layout proposed represents an out-dated model of retail parks designed solely for the convenience of those arriving by car, resulting in townscape dominated by soulless car parks and large scale advertising as the only means of orientation. Instead, the shops should be sited to front the streets with entrances directly from Trent Lane and Daleside Road and with a significant building acting as a focal point positioned at the junction. The architectural language should reflect the different uses proposed. This would improve legibility by starting to give Daleside Road its own urban identity, demonstrating Nottingham's ambition for the wider regeneration of Waterside. Creative designers could provide appropriate public realm giving easy access to those arriving on foot, by public transport, by bike and by car. As proposed, the

layout makes approaching on foot an inconvenient or dangerous experience. No safe, direct route across the site to the supermarket is delineated. Pedestrians are expected to take the long walk around the car park or risk the direct line through manoeuvring parking traffic. The Civic Society considered that the layout should be reconsidered as it is currently unacceptable in terms of its urban design.

- 5.12 **Nottinghamshire Wildlife Trust:** Recommend measures are secured to enhance the biodiversity of the site. Consider gains could be achieved through landscaping. Would recommend bat and bird boxes are included on site. W also like to see inclusion of green or brown roofs.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 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 taking on planning applications.
- 6.3 Paragraphs 23 – 27 advise on the consideration of out-of-centre retail developments. Paragraph 24 requires the application of a sequential test for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 6.3 Paragraph 56 states that great importance is attached to the design of the built environment, with paragraph 61 advising this not just limited to architectural appearance but wider design issues.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Nottingham Local Plan (November 2005):

ST2 - A Successful Economy.

ST4 - Integration of Planning and Transport

S5 - Retail development, Edge/Outside Centres.

MU6 - Waterside Regeneration Zone.

MU7 - Waterside Regeneration Zone Sites.

BE1 - Design Context in the Public Realm.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

E4 - Previously Used Employment Sites.

NE9 - Pollution

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T2 - Planning Obligations and Conditions

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues:

- (i) Retail development of the site.
- (ii) Regeneration of the area.
- (iii) Layout and design.

(i) Retail development of the site (Policies ST2 and S5)

- 7.1 The baseline for the consideration of the current application is the extant Outline Planning Permission, which provides for the development of the site including a large convenience goods store, other retail and office uses.
- 7.2 In granting Outline Planning Permission for a primarily retail/foodstore development, Committee was advised on local retail planning Policy S5 and national planning policy at that time (PPS4). Concern was noted that the proposed retail store may not meet the local shopping needs of existing communities or those yet to be established, and that the development could function instead as an out of centre superstore attracting mainly passing car-borne trade using Daleside Road. Consideration was also given to the implications for the ability to provide anchor food stores at both Victoria Centre and Broadmarsh, and that there could be an impact on existing local centres, particularly Sneinton Dale.
- 7.3 Balancing these concerns was the prospect that the primarily retail/foodstore development of the site would provide for the regeneration of a prominent site within the Waterside Regeneration Area and would help stimulate the residential development of proximate regeneration sites, including Trent Basin. A comprehensive package of regeneration benefits was also to be provided through S106, including environmental/public realm improvements; a pedestrian bridge over the railway; a shoplinc bus service for Sneinton residents; and local employment and training opportunities in the construction and operational phases of development.

- 7.4 The Committee report concluded that, although there were clear and significant planning policy concerns about the proposed development, on a very finely balanced assessment of the planning considerations it was considered that the proposal would provide an opportunity to progress regeneration in a difficult economic climate where other alternatives did not appear to be forthcoming.
- 7.5 The current application differs from the previous consent in the scale and format of development that is proposed. The proposed Aldi foodstore element is significantly smaller, 1,531 sq.m. compared to the previous 3,588 sq.m., and the proposed (five) retail units are cumulatively larger, 2,787 sq.m. compared to the previous 766 sq.m. In both cases the level of retail floorspace proposed has required sequential test and retail impact assessment in accordance with paragraphs 23 to 27 of the NPPF and Policy S5 of the Local Plan.
- 7.6 In relation to the sequential test, the application submission has considered alternative sites, including the current Local Plan allocations at Moreland Street and other vacant sites including the former Kwik Save building at Hermitage Square, vacant Co-op building on Carlton Road, and The Island Site off Manvers Street. This repeats the test that was applied to the previous consent and concludes that the site remains in the most sequentially preferable location that would serve the residents of Sneinton and future residential redevelopments in the Waterside Regeneration Area.
- 7.7 Planning Policy advise that the sequential and impact assessments submitted accord with NPPF requirements and concur that there are no alternative sequentially preferable sites available. It is also advised that any potential impacts, particularly on the city centre, are considered likely to be minimal. The emerging Local Plan (LAPP) has also allocated the site as being provisionally suitable for A1 retail, B1 office and A3 restaurant café uses.
- 7.8 Being significantly smaller than the previously approved foodstore, is considered that the proposed Aldi foodstore is consistent with the position that had been reached in determining the previous Outline Planning Permission. It is expected that foodstore will provide for the existing and emerging local need, and could act as a catalyst to help secure the desired regeneration of the Waterside area. With access to Sneinton already having been improved by the recent pedestrian bridge across the railway, it is also considered that the proposed Aldi foodstore will help to serve the needs of residents of this area.
- 7.9 The applicant advises that other proposed retail units are likely to be occupied by non-food/comparison good retailers and that an open Class A1 consent is being sought in order to provide maximum flexibility to attract future tenants. The applicant also advises that they intend to build at least two of the five illustrated retail units as phase 1 of the development with the rest of the units being phase 2.
- 7.10 The retail impact of the proposed development has assessed the type of retailers who would typically occupy units of the size proposed and who are represented in the 'local shopping centre' role that is intended. The comparison goods impact has also assumed that the scheme will comprise a minimum of five units and that, on this basis, concludes that the trading impact of the proposed units would have a minimal impact on other centres, including the city centre.
- 7.11 It is appreciated that the application illustrates the intent to provide five retail units

and that the development block has been purposefully configured for the units to be delivered in this way, giving a range of unit sizes of between 465 to 743 sq.m. However, it is considered that an open Class A1 consent could harm to the provision of comparison goods retailing within appropriately defined areas of the city including the city centre. More significantly, it is considered that an open Class A1 consent and potential future amalgamation of units could undermine the contribution that the proposed development would make to the regeneration of the area. It is appropriate that the regeneration benefits of the site are secured and, to this extent, it is recommended that conditions are attached to any consent requiring that a minimum of five retail units are provided and limiting the maximum size of any individual unit to 750 sq.m, which is also consistent with the applicant's stated intent that the development will create a new local centre for Sneinton and the adjacent Waterside area.

(ii) Regeneration of the area (Policies MU6 and MU7)

- 7.12 Policy MU6 of the Local Plan sets out the considerations that should contribute towards the creation of a vibrant mixed use riverside quarter in the Waterside Regeneration Zone. Policy MU7 identifies the key sites for development, including Site MU7.2, the 11.72 ha Trent Basin site located to the south of the site between Daleside Road and the river. The Waterside Regeneration Interim Planning Guidance also recognises that Daleside Road is a key route into the city from the east and its frontages offer potential for high quality redevelopment.
- 7.13 It is considered that the appropriate redevelopment of this vacant site in a prominent location could contribute towards the City's agenda for transforming neighbourhoods and providing opportunities for local employment. The key issue has been whether a retail development of the site would provide the appropriate impetus that the area needs for regeneration and investment.
- 7.14 The site has been remediated and has available for redevelopment for several years, and has been actively marketed for the development following the previous grant of Outline Planning Permission without success. The applicant has now secured Aldi for the foodstore element of the proposed development and there is now, therefore, a significant likelihood that the site will be developed upon any grant of consent.
- 7.15 Committee will also recall the recent grant of planning permission at Trent Basin and the prospect that this development will commence later this year, providing 41 new homes as part of the phased development of up to 160 dwelling on this site.
- 7.16 The provision of a pedestrian bridge crossing of the railway by Network Rail has also helped towards improving the safety and environment around the railway crossing and benefits pedestrian movement from Sneinton towards the application site and to future developments in the Waterside area.
- 7.17 It is in this context that the regeneration of the area can be viewed with much greater confidence than has previously been the case. It is, therefore, considered that the proposed development accords with Policies MU6, MU7 and the Waterside Regeneration Interim Planning Guidance.

(iii) Layout and design (Policies BE1, BE2 and BE3)

- 7.18 The layout of the proposed development provides an 'L-shaped' arrangement of

building blocks, with the proposed Aldi foodstore benefiting from being highly visible on the frontage of the site to Daleside Road. The other larger retail block sits back within the site behind the proposed central car parking area and also addresses Daleside Road. The smaller proposed restaurant building is placed adjacent to the roundabout and whilst being modest in size, will also benefit from being prominent at this position. The remaining employment/ancillary use building is positioned adjacent to Trent Lane and next to the access to the proposed car park and would have a good presence.

- 7.19 The principal access to the site is appropriately off Trent Lane, with a secondary service access to the rear between the retail blocks and the railway, ensuring that servicing is not a prominent aspect of the proposed layout.
- 7.20 Pedestrian accesses through the proposed layout are off Trent Lane and Daleside Road and provide a convenient route across the frontage of the retail units as well as offering an alternative route between Trent Lane and Daleside Road. A further alternative pedestrian route is also provided across the car park, which has been realigned to provide a more convenient access through the site. Trees have also been introduced into the car park area to break up the extent of hard surfacing and to improve the amenity of the pedestrian routes.
- 7.21 Perimeter hard and soft landscaping is provided that will enhance the appearance of the site and environment of the wider area, with focal points being provided at the proposed Aldi foodstore and restaurant building. Cycle parking is also provided at these points, being securely located adjacent to the building entrances.
- 7.22 The proposed Aldi foodstore is specific to their design requirements, being a single storey building with a mono-pitched roof. A high quality red brick base (in an English garden wall bond) is proposed to reflect the local area, with a lighter polyester powder coated composite panel above. The frontage corner of the building is to be fully glazed and a cantilevered glazed canopy is used to mark the entrance to the building.
- 7.23 The proposed orientation of the Aldi foodstore and mono-pitched design of the roof has considered the relationship with the neighbouring two-storey semi-detached houses, with the eaves level of the foodstore being similar in height to the eaves of the houses. The entrance to the foodstore is also positioned to avoid nuisance to these neighbours.
- 7.24 The other proposed larger retail block takes its design reference from the Aldi foodstore, using the same red brick base and with a contrasting dark grey polyester powder coated panel system. The rear of the block is to be elevated in the same materials. Signage zones are identified at the first floor level of the building and are of a consistent size and rhythm.
- 7.25 The design of the remaining proposed restaurant and employment/ancillary use buildings has been reserved for later submission as part of the hybrid nature of the application, but is anticipated to follow the established aesthetic of the development.
- 7.26 It is considered that the proposed layout and unified design of the proposed retail buildings will provide the proposed development with a local identity that is considered appropriate to the site and area in accordance with Policies BE1, BE2 and BE3 of the Local Plan.

Other Material Considerations

Highways (Policy T3)

- 7.27 Highways have advised that there is no objection to the proposed development subject to a revision to the number of accesses off Trent Lane, which the applicant has agreed. Pedestrian provision within the proposed layout has also been improved by the realignment of the route across the car park. The requirement for Construction Traffic Management Plans is a proposed condition of consent. It is considered that the proposed development accords with Policy T3 of the Local Plan.

Flood Risk and Drainage (Policy NE10)

- 7.28 Highways and the Environment Agency refer to the need for drainage details relating to the disposal of surface water, incorporating SUDS, and to avoid the risk of surface water pollution. Planning conditions are recommended as conditions of any consent in accordance with Policy NE10.

Pollution and Contamination (Policies NE9 and NE12)

- 7.29 Pollution Control acknowledge the history of the decontamination of the site and have requested that the applicant provides information relating to the current condition of the site. Planning conditions have been included on the draft decision notice should the applicant be unable to provide this information in accordance with Policy NE12 prior to the issue of the permission.. The need for planning conditions to require the submission of details of a noise management plan relating to the operation of the proposed Aldi foodstore and operational and servicing times for the development as a whole is also acknowledged and is considered appropriate in the interests of the proximate residential properties in accordance with Policy NE9.

Planning Obligations (Policies T2 and ST4)

- 7.30 The previous Outline Planning Permission was to provide a comprehensive package of regeneration benefits through S106, including environmental/public realm improvements; a pedestrian bridge over the railway; a shoplink bus service for Sneinton residents; and local employment and training opportunities in the construction and operational phases of development. It has been noted that the pedestrian bridge over the railway has since been provided by Network Rail.
- 7.31 The applicant has advised that there has been no commercial interest in developing a food superstore of the size previously consented and that the proposed development is submitted in order to regenerate the site and to recover the costs of the purchase and remediation. The applicant has, therefore, advised that the S106 benefits associated with the previous consent cannot now be afforded.
- 7.32 A viability appraisal has been submitted in support of the application and this has been comprehensively reviewed. Accordingly, Committee is advised that the proposed development would not generate a commercial return that could support S106 and that it would not be appropriate to require this in the context of the proposed regeneration of the site.

7.33 The applicant has however advised that, notwithstanding the conclusion of the viability appraisal, they are willing to support resurfacing works and direction signage works to the adjacent Greenway public right of way to a sum of £60,000. The site has been considered to lack connectivity with the local area where it is being promoted to serve as a local centre. In relation to the Greenway route, it is considered that there are two areas of local housing that would benefit from improved walking and cycle connections to the site, being Bendigo Lane to the east of the site and Ivatt Drive to the west. These areas of housing are already connected to the Greenway and would benefit from improvements to its condition to encourage its use. A financial contribution towards local employment and training as part of the proposed development will also be provided.

8. SUSTAINABILITY / BIODIVERSITY (Policy BE4)

8.1 It is proposed that a 'fabric-first' approach is used to minimise energy consumption of the proposed Aldi foodstore. It is advised that Aldi foodstores are designed with high efficiency equipment and lighting and, through the use of a well considered thermal envelope, the building's heating demand is reduced to a level where the waste heat rejected from the process cooling plant is sufficient to provide the building's entire heating load, making up around 25% of the building's CO₂ emissions.

8.2 It is proposed that the block of retail units will also use a 'fabric-first' approach, with photovoltaic panels also being used in this instance where the tenants for the units are not known. The photovoltaic panels would be mounted on the roof of the block. It is advised that this would equate to a 10.2% reduction in CO₂.

8.3 It is considered that a 'fabric-first' approach and installation of photovoltaic panels is an appropriate means to achieve carbon reduction targets and, subject to a requirement to implement the development using this approach, is in accordance with Policy BE4.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: would provide high quality and sustainable development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction and operation of the development.

Safer Nottingham: would help provide 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: 14/01140/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N5JY68LYCB000>

2. Nathaniel Lichfield & Partners on behalf of Intu Properties plc, 19.6.14

3. Chair of River Crescent Residents Association, 16.6.14

4. Tenant of River Crescent apartments, 13.6.14

5. Pollution Control, 1.7.14

6. Highways, 25.6.14

7. Environment Agency, 15.7.14

8. Network Rail, 29.5.14

9. Nottinghamshire Wildlife Trust, 12.6.14

10. Nottingham Civic Society, 31.7.14

17 Published documents referred to in compiling this report

National Planning Policy Framework

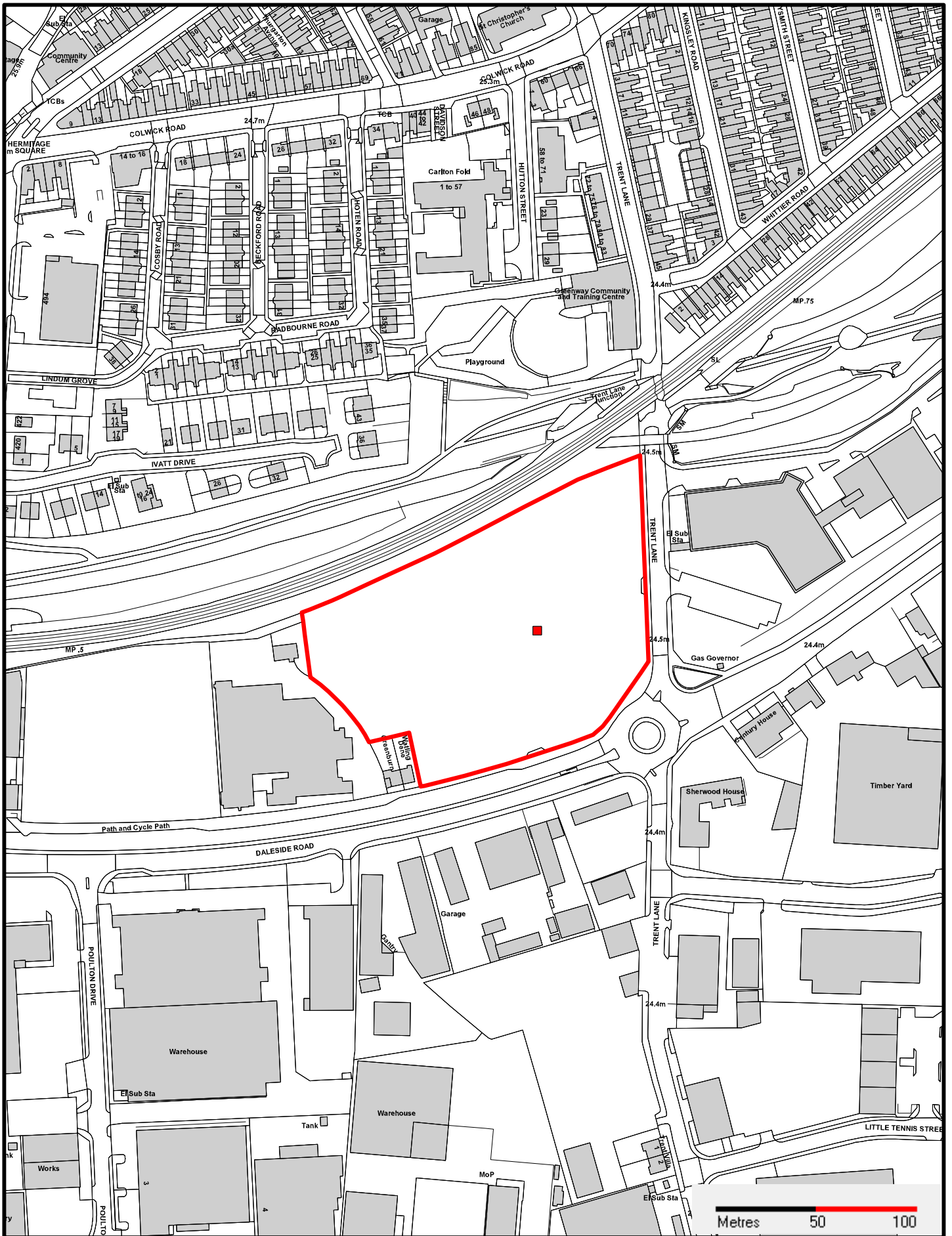
Nottingham Local Plan (November 2005)

Waterside Regeneration Planning Guidance – November 2001

Contact Officer:

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Nottingham
City Council

My Ref: 14/01140/POUT (PP-03236446)

Your Ref:

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Date of decision:

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

Application No: 14/01140/POUT (PP-03236446)
Application by: Cedar House Investments
Location: Site Of Society Linen And Electricity Substation, Daleside Road, Nottingham
Proposal: Development of foodstore (Class A1) of 1,531 sq.m. gross, together with other retail units (Class A1) of 2,787 sq.m. in total; restaurant building (Class A3) of 186 sq.m.; employment/ancillary use building (Class B1/Class D1) of 311 sq.m.; 235 car parking spaces; access; public realm and strategic landscaping. Appearance reserved for restaurant and employment/ancillary use building. Details of landscaping reserved across site as a whole (Hybrid application for full/outline permission)

Nottingham City Council as Local Planning Authority hereby **GRANTS OUTLINE 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.

2. Application for the appearance of the restaurant and employment/ancillary use buildings shall be made to the Local Planning Authority 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.

3. The restaurant and employment/ancillary use buildings shall be begun before the expiration of



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two years from the date of approval of the last of the reserved matters to be approved.

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)

4. The development of each building shall not commence until a Construction Management Plan for that building has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall provide for:

1. Details of temporary site entrances for construction traffic purposes.
2. Provision to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.
3. Adequate precaution to prevent the deposit of mud and other similar debris on the adjacent public highways.

The Construction Management Plan for each phase of development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants and in accordance with Policy T3 of the Nottingham Local Plan.

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

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

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

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.

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

Reason: In the interests of the appearance of the development in accordance with Policies BE5 and NE5 of the Local Plan.

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

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

Note: Please refer to Informative 3 for further information on what should be included within these submissions.

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

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

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

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

11. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and be approved in writing by the Local Planning Authority:
1. A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 2. A Site Investigation, based on 1. above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. A Remediation Strategy, based on 1. and 2. above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 4. A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in 3. above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

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

12. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until an environmental noise assessment and sound insulation scheme has been submitted to and be 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 and running at 100% load shall not to 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.

Reason: In the interests of the amenity of the occupants of neighbouring development and in accordance with Policy NE9 of the Nottingham Local Plan.

Pre-occupation conditions

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

13. No individual unit within the approved development shall be occupied until the following has been submitted to and approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
 - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

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

14. No individual unit within the approved development shall be occupied until written verification that the approved mechanical services plant or equipment (including any air handling plant) specified to serve that individual unit, including any mitigation measures, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the occupants of neighbouring development and in accordance with Policy NE9 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

15. Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes Order 1987 (as amended or any re-enactment thereof), no more than 15% of the net sales area of the retail foodstore hereby approved shall be used for the sale of comparison goods.

Reason: To avoid prejudice to the vitality and viability of shops within nearby town and local centres.

16. With the exception of the approved retail foodstore unit, no other unit within the approved development shall be altered or combined with any adjacent unit to form an altered or combined size in excess of 750 sq.m. of gross floorspace.

Reason: In order that the size of retail units do not have an impact on defined retail areas of the city, including the city centre, and to ensure that a range of retail units are maintained in the interests of the contribution that the approved development will make to the Waterside Regeneration Zone.

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

Reason: In order to ensure that a minimum number of retail units are maintained within the approved development in the interests of the contribution that the approved development will make to the Waterside Regeneration Zone.

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



Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE5 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 forms, drawings and other documents comprising the application as validated by the council on 20 May 2014.

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. Condition 8 requires the submission of details of a surface water drainage scheme for each phase of development. It is advised that the submitted scheme should include the following information:

1. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.

2. Limit the discharge rate generated by all rainfall events up to and including the 100 year critical storm plus an appropriate allowance for climate change to 30% betterment than the estimated Brownfield runoff rate. In an email from BWB Consulting to the Environment Agency on the 1st July 2014 an average rainfall intensity of 37.2mm/hr was agreed and therefore based on the parameters highlighted in the FRA the surface water discharged from the site shall be limited to no greater than 76.0 l/s.

3. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.

4. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

5. Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

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1. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
2. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
3. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.
4. The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

5. 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.

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).

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.

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: 14/01140/POUT (PP-03236446)

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.

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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