



**NOTTINGHAM CITY COUNCIL**  
**PLANNING COMMITTEE**

**Date:** Wednesday 20 March 2019

**Time:** 2:30pm

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham,  
NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

A handwritten signature in cursive script, appearing to read 'G. Anderson'.

**Corporate Director for Strategy and Resources**

**Governance Officer:** Adrian Mann **Direct Dial:** 0115 876 4468

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
- 3 MINUTES** 3 - 6  
Minutes of the meeting held on 20 February 2019, for confirmation
- 4 PLANNING APPLICATIONS: REPORTS OF THE CHIEF PLANNER**
  - a Site of York House, Mansfield Road** 7 - 26
  - b Site of Beechdale Swimming Centre, Beechdale Road** 27 - 54
  - c William Olds Youth Centre, 84 Chiltern Way** 55 - 70

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT [WWW.NOTTINGHAMCITY.GOV.UK](http://WWW.NOTTINGHAMCITY.GOV.UK). INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

**NOTTINGHAM CITY COUNCIL**

**PLANNING COMMITTEE**

**MINUTES of the meeting held at Loxley House, Station Street, NG2 3NG, on 20 February 2019 from 2.30 pm - 2.50 pm**

**Membership**

Present

Councillor Chris Gibson (Chair)  
Councillor Brian Parbutt (Vice Chair)  
Councillor Cheryl Barnard  
Councillor Graham Chapman  
Councillor Azad Choudhry  
Councillor Josh Cook  
Councillor Gul Nawaz Khan  
Councillor Andrew Rule  
Councillor Mohammed Saghir  
Councillor Wendy Smith  
Councillor Malcolm Wood  
Councillor Steve Young  
Councillor Michael Edwards

Absent

Councillor Leslie Ayoola  
Councillor Sally Longford  
Councillor Cate Woodward

(substitute for Councillor Woodward)

**Colleagues, partners and others in attendance:**

Paul Seddon - Chief Planner  
Rob Percival - Area Planning Manager  
Martin Poole - Area Planning Manager  
Judith Irwin - Senior Solicitor  
Nigel Turpin - Heritage and Urban Design Manager  
Mark Leavesley ) Governance Officer  
Adrian Mann )

**65 APOLOGIES FOR ABSENCE**

Councillor Ayoola - leave  
Councillor Longford - unwell  
Councillor Woodward - personal

**66 DECLARATIONS OF INTERESTS**

None.

**67 MINUTES**

Subject in minute 62(c) to the replacement of '*but is not clear if there will be substantial transfers of staff from Derby and Leicester and ...*', with '*but it is understood that transferring staff from Derby and Leicester will be moved into the HMRC building first, and it is unclear....*', the Committee agreed that the minutes of the meeting held on 16 January 2019 were a correct record and they were signed by the Chair.

**68     66 LONDON ROAD**

Rob Percival, Area Planning Manager, introduced application 18/02107/PFUL3, by Indigo Planning on behalf of Cassidy Group (London Road) Limited, for a development of 150 apartments with associated communal area and car parking spaces.

The application was brought to Committee as it:

- (i) concerns a major development on a prominent site on the southern approach to the City;
- (ii) has been the subject of a viability challenge, and proposed planning obligations are substantially less than typically required by adopted planning policies.

The following additional information was included in an update sheet, circulated at the meeting and appended to the online agenda:

- (i) The Environment Agency had submitted revised comments, stating that it is satisfied with the mitigation proposed by the applicant in relation to raising of the ground floor level to 26.04mt and further flood resilience measures to 26.33mt. Therefore, the initial objection is overcome and the application is supported, subject to the development being undertaken in accordance with the letter from Betts Hydro, dated 07/02/2019.
- (ii) In allocating the available financial contribution, the sum in respect of S.106 Public Open Space contribution is being prioritised to facilitate enhancement of public realm within the Southern Gateway, which is required to accompany developments, including this one, that come forward to transform this area of the City.

The contribution sought would not result in the permissible number of obligations that can be pooled being exceeded according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

During discussion, the Committee stated that it unanimously supported the proposal, specifically highlighting the curved design, the sympathetic incorporation of the existing building, the dramatic entrance and the overall improvement to this area of London Road.

It was stated, however, that as this building sits within the Meadows area, consideration should be given to use of some S106 monies towards local projects, such as the Arkwright Walk football pitches, rather than just on the 'Southern Gateway'.

In response, Mr Percival stated that as S106 monies can be used 'towards public open space enhancement within the vicinity of the site', local projects in the Meadows could possibly be considered.

**RESOLVED**

- (1) to grant planning permission, subject to the indicative conditions substantially in the form of those listed in the draft notice at the end of the report with condition 14 (flood risk) being amended in accordance with the Environment Agency's revised comments as noted in the Update Sheet and subject to prior completion of a section 106 planning obligation, which includes a financial contribution of:**
  - (i) £155,000 towards affordable housing; and**
  - (ii) £66,731 towards public open space enhancement within the vicinity of the site in the Southern Gateway;**
- (2) to delegate authority to the Director of Planning and Regeneration to determine the final details of both the terms of the planning obligation and the conditions of the planning permission;**
- (3) that the Committee is satisfied that:**
  - (i) Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 has been complied with, in that the planning obligations sought were:**
    - (a) necessary to make the development acceptable in planning terms;**
    - (b) directly related to the development;**
    - (c) fairly and reasonably related in scale and kind to the development;**
  - (ii) the Section 106 Obligations sought would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.**

**69 WILLIAM OLDS YOUTH CENTRE, 84 CHILTERN WAY**

Prior to commencement of the meeting, this item was withdrawn (see 'Update sheet').

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WARDS AFFECTED: St Anns

Item No:

**PLANNING COMMITTEE**  
**20th March 2019**

**REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

**Site Of York House, Mansfield Road**

**1 SUMMARY**

Application No: 18/02566/PFUL3 for planning permission

Application by: Freeths LLP on behalf of HYDROGEN YORK STREET LIMITED

Proposal: Purpose-built student accommodation building with cluster bedrooms, studios and associated amenity areas, over 4 to 10 storeys.

The application is brought to Committee because it is a major application, with Section 106 obligations, which raises important local issues.

To meet the Council's Performance Targets this application should be determined by 22nd April 2019

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to:

- 2.1 (a) subject to the expiry of the response period for the additional consultation letters that have been issued and no further material planning issues being raised.  
  
(b) prior completion of a Section 106 planning obligation to secure:
  - (i) a public open space contribution of £88,970.26 towards improvements to Elm Avenue, Corporation Oaks and Robin Hood Chase open spaces and;
  - (ii) a student management plan, to include restrictions on car use.  
(c) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details both of the conditions and the section 106 obligation to be delegated to the Chief Planner.
- 2.3 That Committee 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.
- 2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

- 3.1 The application site is a cleared site that is located on the east side of Mansfield Road. Sheridan Court flats with a retail/commercial ground floor is immediately to the north and the Rose of England public house is immediately to the south, forming the corner with Union Road. The Intu Victoria Centre is further to the south and east (car park), with the Victoria Bus Station also to the east and opposite the site across York Street. Mansfield Road terraced shops with residential accommodation on some upper floors are opposite the site to the west.
- 3.2 The site was formerly developed with a 1960s eight storey office building, which was demolished in 2014. A petrol filling station had also occupied the Mansfield Road forecourt but this had been removed many years previous and the forecourt had been last used for car parking.
- 3.3 The site is located within the defined city centre (Local Plan). The boundary of the Arboretum Conservation Area is opposite along this section of Mansfield Road, including the terraced properties. The Rose of England public house is a Grade II listed building (Watson Fothergill, 1898).
- 3.4 The site has been previously included within proposals for the northern extension of the Intu Victoria Centre (11/01859/PFUL3). Planning permission for this development was granted on 8 July 2014 and allows for development to be commenced within 8 years. This part of the site would have been developed as part of a reconfigured bus station, an enclosed service yard, and a health club entrance, within a short terrace of three storey buildings.

### **4 DETAILS OF THE PROPOSAL**

- 4.1 The application proposal is for the redevelopment of the site for purpose-built student accommodation building with cluster bedrooms, studios and associated amenity areas, over 4 to 10 storeys. The proposed buildings are in a series of interconnected blocks of varying heights in a perimeter quadrant form and arranged around internal courtyard spaces. The new development blocks would front onto Mansfield Road, York Street and Union Road, with a primary entrance from Mansfield Road.
- 4.2 A total of 422 student bedrooms would be provided within the scheme, to be provided in a range of cluster bedroom apartments and studios (54 studios, 53 clusters of between 4 to 11 beds – 368 beds in total). There would be a large ground floor communal amenity with external courtyard areas and a gym. Cycle storage for 105 cycles is proposed with direct access off York Street. Refuse storage for general waste and mixed recyclables is located at the corner of York Street and Union Road. No car parking proposed on site.
- 4.3 The developer has indicated that they will work with the Council's Employment and Skills team in relation to the use of local labour for the construction phase of the development and is prepared to commit to this via the S106 agreement.

### **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

#### **Adjoining occupiers consulted:**

Sheridan Court, Mansfield Road (all flats)



15 – 43(o) Mansfield Road  
Rose of England PH, 36 – 38 Mansfield Road  
64, 68-70 Mansfield Road  
1 – 4 Lynton Court, Peachey Street

The application has also been advertised by press and site notices.

Additional consultation notifications have been issued, which do not expire until 24 March 2019. Any further comments received will be reported to Committee by means of an update sheet, with the recommendation to grant planning permission being subject to no further material planning issues being raised.

The following comments have been received:

**Neighbour:** Objection. Due to the nature and hours of work at the Rose of England pub there is a need to sleep during the day. While the hum of day to day traffic and pedestrians is normal it is highly likely that I will be highly inconvenienced and affected by the construction of a large building being built within a very short distance. Due to the height of development there is also the potential of natural light being blocked out from the flat above the Rose of England.

**Neighbour:** Objection. Seems like every site in the city centre is being developed for student accommodation. Sure that the universities have land that is fit for this purpose. Mansfield Road is being surrounded by student flats and houses. Noise and mess are bad enough now without a further 10 storey block.

**Neighbour:** This particular area of the city centre is already subject to a ridiculous level of noise levels and anti-social behaviour, including assaults, drunken arguments, car engines, and booming music, especially along the parade of shops and takeaways directly opposite the proposed site. This noise and anti-social behaviour often extends to the early hours of every morning often as late as 6.00am in the morning. Do not think this is a sensible site for a large student accommodation development that will only add to the already high levels of anti-social behaviour. It can't be acceptable to expect the already suffering tenants in this area to have this existing issue made worse by allowing numerous student flats to be built on this site.

**Neighbour:** Objection Sheridan Court has ventilation windows facing the site that also provide daylight. New building should be set further away. City is already being swamped with student accommodation.

**Neighbour:** Comment. Exposed breeze blocks to Sheridan Court need to be covered. Construction noise needs to be limited to strict times and enforced, which is particularly important in relation vulnerable adults.

**Neighbour:** Applaud the purpose of bringing students to the centre of the town, near their university. The rooms are very small but maybe as students they can cope for three years. If they were to become flats then the space would be totally inadequate for living a satisfactory life. The elevation from Mansfield Road is pleasing and of a suitable height. The same cannot be said for the York Street view which is far too high and will encourage others to build up to that height and produce more of a wind tunnel than there already is today. Its appearance is overwhelming and intimidating. The number of bins does not appear adequate for 400+ people's rubbish.

### **Additional consultation letters sent to:**

**Environmental Health:** No objections subject to planning conditions requiring contamination remediation and verification; verification of implementation of sound insulation scheme; and noise and dust management plan.

**Highways:** No objection subject to further details of management of student drop-off and arrival. Concerns regarding proposed layby on York Street, having particular regard to any impact on the queue lane to the Victoria Centre public car park and central pedestrian refuge in this location.

**Drainage:** The submitted Flood Risk Assessment acknowledges the risk to the site itself, but there is concern that the development also considers that impact that it would have on the surrounding area. Green roofs would have the potential to significantly lower the discharge rate, due to the surface area proposed to be covered by flat roofs. We acknowledge the challenges of SuDS in an urban environment, however, recent consultations have shown that developers have managed to minimise discharge into sewers by using SuDS, e.g. through the use of storm water troughs on the roof, permeable paving etc.

**City Archaeologist:** The two known cave systems within the site boundary are considered to be of significance and are without known parallel within the city. Parts of the caves date to the 18th century and the systems as a whole represent evidence of use as a beer cellar for a demolished public house, as well as evidence of storage for a brewery and uses as a Second World War air raid shelter.

It will be important to ensure the preservation of the caves within the development. To this end it will be necessary for the local planning authority to have confidence that the proposal is structurally sound in enabling the development to take place without negatively impacting the caves.

The latest structural information supplied by the applicant provides a lot more confidence in the ability to construct the proposed building without impacting the caves. Further concrete column tests are being carried out and it is relevant that final tests confirm that all columns are suitable. However, there is sufficient information now to agree that the scheme to protect the caves appears to be feasible and a planning condition is recommended that the development is implemented on the basis that the foundation design will follow the principles detailed in the approved Structural Design Philosophy document and that any deviation from that document must be agreed with the Local Planning Authority. It will be necessary to maintain access to both cave systems (which is intended) in order to comply with emerging policy. There will also need to be a further planning condition for an archaeological watching brief during the breaking of ground from the surface, which must be undertaken by a suitably qualified and experienced archaeological contractor.

**Nottingham Civic Society:** Concerns regarding the scale and massing of parts of the development on this prominent site. The scale of the Mansfield Road frontage is appropriate for this wide, principal street. The massing stepping up on Mansfield Rd gives the distinct blocks a stepped roof profile acknowledging the sloping site rising from south to north. The building heights adjacent to the Rose of England listed building are suitably respectful allowing the pub's exuberant roof profile and extravagant detailing to assert itself. On Mansfield Rd the visual separation of the

blocks, their stepping in height and their red brick finish respects the character of the Arboretum Conservation Area.

However, the massing in York Street is less restrained and the ten storey block is likely to interrupt Vista (D) identified in the City Centre Urban Design Guide as having merit - the view of the city centre from the Belle Vue Reservoir comprising of landmarks such as the Newton Building and the dome of the Council House. At three storeys higher than Sheridan Court nearby, it is likely to impact upon this view. In addition, the York St elevations are uniform, somewhat bleak and regimented, accentuating the height and mass. The choice of non-red brick for the York St and Union Rd elevations adds to this part of the scheme's short-comings. Because of the height of the York Street block, the internal courtyards are also likely to be rather gloomy.

The Archaeological Assessment acknowledges the extensive cave system under the site. The design of the scheme foundations should be conditioned to prevent damage to the cave system - a unique historical resource Nottingham's Heritage Strategy seeks to foster.

Whilst the Civic Society considers the Mansfield Road parts of the development to be acceptable, the York St elevation presents the scheme as bulky, too tall at ten storeys and monolithic in elevational design. Sheridan Court on the neighbouring site has more articulated elevations and a more human-scale to its architecture and shows how big buildings can be elevated to create appropriate urban-scaled developments.

**Nottingham Design Review Panel:** The Panel reviewed the proposed development at its pre-application stage and had no major issues. The Panel welcomed the redevelopment of this vacant city centre site with student accommodation, which was considered to be an appropriate use. The design approach was considered to be broadly right, with only a few concerns regarding the scale, built form, and the amenity of the courtyards. The Panel agreed with the stepped massing approach taken along Mansfield Road working with the topography of the site, with the scale appropriately stepping down to its lowest height in relation to the adjacent Rose of England listed building. Concentrating of the bulk of the development to the rear of the site with the two larger blocks on York Street was considered to be appropriate as not being sensitive to views and far enough away from the listed building. The Panel recommended some refinement of the Mansfield Road frontage to read more as three bays and to introduce detailed articulation through changes in the fenestration treatment of each bay, with the use of a single material across all to bring unity to the building and sensitivity to the setting of the listed building. The quality of the internal courtyard spaces was a concern to the Panel and the design team were challenged to develop these spaces further. The Panel encouraged use the caves if possible, taking advantage of the possible opportunity to incorporate them into the scheme if the infrastructure allows. The Panel also encouraged the incorporation of renewable or low carbon energy sources, including its scope to link into district heating, a review of ground source energy generation, and opportunity for photovoltaics. Substantial cycle storage was recommended.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.
- 6.2 Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 Paragraph 124 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development. Paragraph 127 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development.
- 6.4 Paragraphs 184 to 202 of the NPPF set out the approach regarding assessing the impact on heritage assets including conservation areas, listed buildings and archaeological remains.
- 6.5 Annex 1 states that the policies in the NPPF are material planning considerations which should be taken into account in dealing with planning applications. For the purpose of decision-taking, the policies in the Local Plan are to be afforded weight in accordance with their consistency with the NPPF.

### **Nottingham Local Plan (November 2005):**

BE16 - Archaeology

H6 - Student Housing.

NE9 - Pollution.

NE12 - Derelict and Contaminated Land

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

### **Aligned Core Strategy (September 2014)**

Policy A - Presumption in favour of sustainable development.

Policy 1 - Climate change.

Policy 5 - Nottingham City Centre

Policy 10 - Design and Enhancing Local Identity.

## **Other Planning Guidance**

Nottingham City Centre Urban Design Guide

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments  
Supplementary Planning Guidance

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Use for student accommodation and impact on the amenities of neighbouring occupiers
- (ii) Layout, scale and design of proposed development.
- (iii) Highways

### **Issue (i) Use for student accommodation and impact on the amenities of neighbouring occupiers (Policy H6, Policy 5 and the Building Balanced Communities Supplementary Planning Document)**

- 7.1 The application site is conveniently located within the city centre and within a short walking distance of Nottingham Trent University campus. In accordance with the Building Balanced Communities Supplementary Planning Document, the further provision of purpose built and managed student accommodation is to be encouraged subject to the consideration of the proposal on its merits. Policy 5 of the Aligned Core Strategies also supports city centre living initiatives including student housing where appropriate.
- 7.2 It is considered that the provision of good quality purpose built accommodation in this location will attract students that could otherwise occupy houses of multiple occupation outside of the city centre. Consequently, it is considered that the proposed student accommodation use accords with the Building Balanced Communities Supplementary Planning Document, Policy H6 of the Local Plan regarding the location of student accommodation development and Policies 5 of the Aligned Core Strategies.
- 7.3 The comments of several neighbours relating to the potential for further noise and nuisance are noted. The application site is located within the defined city centre and is therefore always likely to be subject to a degree of noise and nuisance, particularly on Mansfield Road as a primary vehicular and pedestrian route into and out of the city centre and location for a number of late night premises. Whilst it is not possible to mitigate against existing instances of noise and nuisance, a student management scheme is to be required under the provisions of the S106, requiring management measures to ensure that the amenity of neighbouring residential properties are respected and that appropriate actions will be taken by an on-site management team to resolve any local resident issues. Such management measures have been successfully employed on other large scale student accommodation developments within the city centre. Therefore, it is considered that the proposed development will not significantly impact upon the amenity of neighbouring occupiers in accordance with Policy H6, Policy 5 and the Building Balanced Communities Supplementary Planning Document.

## **Issue (ii) Layout, scale and design of proposed development (Policy 10)**

- 7.4 The City Centre Urban Design Guide identifies the application site as falling within the 'Zone of Reinvention' where the character of the area has been eroded and where there is the opportunity for development to 'reinvent the urban fabric of the city'. The Urban Design Guide also indicates this part of the city centre includes a number of taller buildings (Victoria Centre, Nottingham Trent University) and that, due to it being less prominent in most of the recorded key views, slightly taller buildings of ground plus up to 7 residential storeys being considered generally appropriate.
- 7.5 The proposed development of between 4 and 7 storeys its Mansfield Road elevation and is considered to respond well to the context of the site, having regard to the scale relationships with the buildings opposite, which fall within the Arboretum Conservation Area, and the also the adjacent listed Rose of England PH. The scale, stepping, proportions and rhythm of the three elements of the elevation to Mansfield Road are considered to provide interest and variety, with the central colonnaded section also identifying the main entrance. The proposed use of a red brick, with detailing including brick bonds, textures and deep window reveals will ensure an appropriate quality of finish. The support of Nottingham Civic Society and the Nottingham Design Review Panel for this design approach is welcomed.
- 7.6 The elevation to Union Road is also controlled at 4 storeys and, in conjunction with the 4 storey element onto Mansfield Road, acts to develop up to but physically and visually defer to the prominence and architectural quality of the listed Rose of England PH.
- 7.7 The proposed taller 6 and 10 storey blocks onto York Street acknowledges that this street has a less sensitive context than Mansfield Road, with the scale of the adjacent Sheridan Court building and the design and form of the Victoria Centre both having an influence on the approach. It is therefore considered that York Street has the capacity to accommodate this scale of development and it is also noted that the previous York House building was eight commercial storeys in height across the length of its York Street frontage.
- 7.8 The subdivision of the York Street frontage into two distinct blocks will break the length of this frontage, with the marked difference in height between the proposed 10 storey and 6 storey lower element also serving to emphasise this change in scale. The elevation of each block is individually designed and yet with unity in the scale and rhythm of openings that will serve to provide visual strength to its appearance. The Nottingham Design Review Panel advised that concentrating the bulk of the development onto York Street would be appropriate and would not impact on sensitive views or buildings. The concerns of Nottingham Civic Society that the 10 storey block may interrupt the Urban Design Guide view from the Belle Vue Reservoir has been reviewed using the city model and is confirmed to be unaffected. Whilst Nottingham Civic Society also have reservations on the proposed use of a non-red brick on this elevation of the scheme, it is considered that this brick selection should be reviewed in the round and that there is merit in using an alternative colour of brick for this elevation (light brown and grey), particularly where the taller blocks will be visible in the background to the lower blocks onto Mansfield Road and therefore providing a lighter contrasting background element in this view.

- 7.9 The proposed blocks are arranged around the perimeter of the site and will define the street by their scale and design. There are link elements within the scheme and courtyard spaces are also formed to allow for an internal aspect to a number of student bedrooms as well as allowing daylight to penetrate into the plan of the scheme. Whilst it is considered that these spaces are limited in size and therefore amenity value, their quality has been significantly improved from the initial presentation made to the Nottingham Design Review Panel and it is considered that they are now appropriate as internal spaces within the scheme.
- 7.10 Subject to conditions to ensure the quality of construction, it is considered that the design of the proposed development is appropriate to the site and area in accordance with Policy 10 of the Adopted Core Strategy.

### **Issue (iii) Archaeological significance (Policies BE15 and BE16)**

- 7.11 An archaeological desk based assessment has been submitted with the planning application, which recognises the importance of potential archaeological remains and the industrial heritage of the underground caves and cellar system in particular. A structural design statement also submitted with the application advises that the proposed new buildings will use as much of the original foundation structure of the former York House as possible and that no new substructures are to be proposed where these would impact upon any of the remaining caves. Further structural investigations, including core testing of the large concrete columns that penetrate through the caves and cellar system, have been carried out and the City Archaeologist is now sufficiently satisfied to recommend planning conditions to ensure implementation in accordance with the agreed approach to structural design and an archaeological watching brief throughout the course of below ground works, in accordance with Policies BE15 and BE16

### **Other Matters (Policies NE9, NE12, T3 and R2)**

- 7.12 Highways have no objection to the proposed development subject to conditions but have concerns regarding a new layby that is being proposed on York Street. Full details of this proposed layby are still to be provided and Highways concerns regarding potential conflicts with through traffic and access to the Victoria Centre public car park are noted. Whilst acceptable details may be provided, it is not considered that this layby is essential to the operation of the proposed development and could be deleted from the scheme. The Victoria Centre public car park is also adjacent to the site and provides for ample alternative temporary car parking provision. Student arrivals and departures at the start and finish of each academic term is to be managed under a planning condition. Obligations within the S106 agreement aim to ensure that student occupants do not keep or use their cars within the City. This has become a successful deterrent to student car use and is common to all major student accommodation developments within and around the City Centre. It is therefore considered that the proposed development accords with Policy T3.
- 7.13 Environmental Health have no objection subject to planning conditions which are included in the draft decision notice. Whilst it is not possible to prevent any instances of noise nuisance from arising from a development of this nature, it is expected that construction activity will be considerate of its neighbours throughout works and will adhere to Environmental Health's recommended hours of operations, with no works being carried out on a Sunday. It is therefore considered that the proposed development accords with Policies NE9 and NE12.

- 7.14 The position of stairwell windows to the south elevation of Sheridan Court have been noted and will not be directly affected by the proposed development, falling within the northern courtyard space. Daylight levels to the lower windows may be reduced but as non-habitable rooms and being on the boundary with a development site, it is considered that the degree of impact is not significant. These windows were previously fully enclosed by the former York House building. The exposed breeze block southern elevation of Sheridan Court will be concealed by the proposed development, having a positive impact on the street scene of the area.
- 7.15 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space Within Developments SPG a Section 106 planning obligation is to secure a public open space contribution of £88,970.26 towards improvements to Elm Avenue, Corporation Oaks and Robin Hood Chase open spaces. 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. It is advised that this contribution would not exceed the permissible number according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

## **8. SUSTAINABILITY / BIODIVERSITY (Policy 1)**

- 8.1 The city centre location of the application site is inherently sustainable with good access to local services and public transport.
- 8.2 The Energy Statement submitted with the application advises that the development will incorporate passive design measures in the form of improved insulation levels and reduced air permeability to reduce the base energy demand of the building; energy efficiency measures in the form of highly efficient heating and lighting; and the provision of rooftop photovoltaic arrays. Maximum use of the available flat roof areas is being made for photovoltaics, with allowances being made for necessary mechanical and electrical plant space. Coverage by photovoltaics restrict the potential for green roofs and other rooftop SuDS measures and has been accepted by the Drainage team for their alternative environmental benefits. Attenuation for surface water flows is to be provided within the construction of the lower ground floor slab of the proposed development.
- 8.3 The application site is located proximate to the District Heating network. The submitted Energy Statement advises that District Heating has the potential to save up to 20% in carbon emissions. However, discussion with Enviroenergy has established that there is no current capacity in the existing system to accommodate the building and therefore this option has had to be discounted. However, it is advised that the type of hot water system proposed for the building could potentially have the ability to connect to District Heating in the future.
- 8.4 It is therefore considered that the proposed development accords with Policy 1.

## **9 FINANCIAL IMPLICATIONS**

A financial contribution of £88,970.26 will be negotiated in accordance with the Open Space Supplementary Planning Guidance.



**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**

Securing training and employment for Nottingham citizens through the construction of the development.

**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: 18/02566/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJKT85LYMER00>

2. Environmental Health, 24.1.19

3. Neighbour, 24.1.19

4. Neighbour, 1.2.19

5. City Archaeologist, 1.2.19, 7.3.19

6. Drainage Team, 4.2.19

7. Neighbour, 4.2.19

8. Nottingham Civic Society, 8.2.19

9. Neighbour, 19.2.19

10. Neighbour, 2.3.19

11. Neighbour, 3.3.19

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments

Supplementary Planning Guidance

Nottingham City Centre Urban Design Guide

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074


# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided



**My Ref:** 18/02566/PFUL3 (PP-07470131)  
**Your Ref:**  
**Contact:** Mr Jim Rae  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Freeths LLP  
FAO: Chris Waumsley  
Cumberland Court  
80 Mount Street  
Nottingham  
NG1 6HH

Date of decision:

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

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Application No: 18/02566/PFUL3 (PP-07470131)  
Application by: HYDROGEN YORK STREET LIMITED  
Location: Site Of York House, Mansfield Road, Nottingham  
Proposal: Purpose-built student accommodation building with cluster bedrooms, studios and associated amenity areas, over 4 to 10 storeys.

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

**Time limit**

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

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

**Pre-commencement conditions**

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



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Page 19

Continued...

2. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Site Investigation, based on the phase 1 Ground Gas & Groundwater Contamination report by BWB Consulting Limited dated December 2018 referenced NTS2778.
  - b) A Remediation Plan, based on a) 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), as well as the underground fuel tank and electrical substation.
  - c) A Verification Plan/remedial method statement providing details of the data that will be collected in order to demonstrate that the works set out in c) 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.*

3. Prior to the commencement of the development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and:

- Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents
- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance
- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours
- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders.

The agreed Noise and Dust Management Plan shall be adhered to throughout the construction, demolition or refurbishment works undertaken on site.

*Reason: In the interests of the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.*



4. No development shall commence until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority for that phase. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the Construction Traffic Management Plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.*

5. No development shall commence until a programme of archaeological works involving the minimum of an archaeological watching brief has first been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy BE16 of the Nottingham Local Plan.*

6. No above ground development shall commence until a large scale sample panel of all proposed materials to be used on the external elevations of the approved development has been constructed on site and has been reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall thereafter be implemented in accordance with the approved materials.

*Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance 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)

7. Prior to first occupation of the development, the following shall be submitted to and be 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.*

8. Prior to first occupation of the development, verification that the approved sound insulation scheme (or its equivalent) as prescribed in the Environmental Noise Report by Cundall referenced 1020938-RPT-AS-001 dated 21 December 2018 has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

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 LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

*Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.*

9. The approved development shall not be occupied until such time that a Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of the student occupants at the start and finish of each academic term has been submitted to and approved by the Local Planning Authority. The Traffic Management Plan shall thereafter be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

*Reason: To avoid the prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety.*

10. The approved development shall not be occupied until the existing vehicle accesses onto Mansfield Road, York Street and Union Road that are made redundant as a consequence of the implementation of the approved development have been reinstated with full height kerbs and footways in accordance with details that are to be submitted to and approved by the Local Planning Authority.

*Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategies.*

11. The approved development shall not be occupied until further full details of the layout of photovoltaic arrays across the available extent of flat roof areas of the approved development has been submitted to and approved by the Local Planning Authority and in accordance with the approved Energy Statement (Yonder, March 2019, Rev C). The approved details shall also be implemented before the approved development is occupied.

*Reason: In order to ensure that these measures are incorporated into the approved development, in the interests of the sustainable development of the site and in accordance with Policy 1 of the Aligned Core Strategies.*

**Regulatory/ongoing conditions**

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

12. The approved development shall be implemented in accordance with the foundation design



principles included in the York Place: Structural Design Philosophy as an approved document. Any deviation from this approved document shall first be agreed in writing by the Local Planning Authority in consultation with the City Archaeologist.

*Reason: To ensure that the preservation of the existing significant cave system in accordance with Policies BE15 and BE16 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 21 January 2019.

*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. Contaminated Land, Ground Gas & Groundwater  
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, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How gas precautions including any radon gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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 Environmental Health 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).

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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.

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.

#### 4. 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.

#### 5. Construction & Demolition

##### Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk)) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

##### Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0900-1300)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk))

##### Equipment

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

##### Dust/Grit and Other Fugitive Emissions

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



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

Appropriate measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

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.



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Page 25

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## **RIGHTS OF APPEAL**

Application No: 18/02566/PFUL3 (PP-07470131)

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](http://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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Page 26

- 8 -

**WARDS AFFECTED:** Leen Valley

**Item No:**

**PLANNING COMMITTEE  
20<sup>th</sup> March 2019**

**REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

**Site of Beechdale Swimming Centre, Beechdale Road**

**1 SUMMARY**

Application No: 18/02651/PFUL3 for planning permission

Application by: Lidl UK GmbH

Proposal: Erection of a Lidl store (use class A1), 4no. shop units (use class A1/A2/A3/sui generis (nail salon and/or tanning salon)), 2no. shop units (use class A1/A2/A3/A5), a drive through coffee shop (use class A1/A3/A5) and associated car parking, servicing, infrastructure works and landscaping.

The application is brought to Committee because it relates to a major development with important land use and design considerations.

To meet the Council's Performance Targets this application should be determined by 25<sup>th</sup> March 2019.

**2 RECOMMENDATIONS**

2.1 **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 Power to determine the final details of the planning obligation and conditions to be delegated to the Director of Planning and Regeneration.

**3 BACKGROUND AND SITE**

3.1 The site is located at the corner of Beechdale Road and Western Boulevard. It is currently vacant cleared land, but was formerly occupied by Beechdale Baths. The baths were demolished in 2017.

3.2 The site fronts onto Beechdale Road to the north where access is proposed to be taken from. The site is bound to the east by Western Boulevard (A6514), to the south by the railway line and to the west by the East Midlands Ambulance site. To the north, on the opposite side of Beechdale Road, there are offices, a mosque and residential properties to the northwest. From the eastern boundary there is a pedestrian subway which goes beneath Western Boulevard and connects the site to Robert Shaw Primary School and residential properties to the east.

3.3 The site extends to 1.19ha, with the northern part of the site sitting level with Beechdale Road. However, the main part of the site sits approximately 2m below road level and slopes gently downwards from north to south. Where the eastern boundary is parallel to Western Boulevard there is a landscaped embankment

supporting the road, which rises above the site and sits outside the application boundary.

- 3.4 The site lies within Flood Zone 1 at the lowest risk of flooding. There are no listed buildings nearby and there are no statutory ecological designations at the site.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 The application seeks full planning permission for the erection of a Lidl supermarket on the site. In addition to the Lidl, the application also seeks permission for a parade of 6 shop units comprising 4x A1/A2/A3/sui generis (nail salon and/or tanning salon) units, 2x A1/A2/A3/A5 units, a drive through coffee shop (use class A1/A3/A4/A5) along with associated car parking, servicing, infrastructure works and landscaping.
- 4.2 The proposed supermarket would have a Gross External Area of 2,202 m<sup>2</sup>, with a sale area of 1,410 m<sup>2</sup>. The 4 A1/A2/A3/sui generis (nail salon and/or tanning salon) units would have a sale area of 371 m<sup>2</sup>, the 2 A1/A2/A3/A5 units a sale area of 186 m<sup>2</sup>, and the drive through coffee shop (use class A1/A3/A5) a sale area of 134m<sup>2</sup>.
- 4.3 In total, the Lidl supermarket would employ 40 staff (full and part-time equivalent). Although the occupiers of the other retail units have not been confirmed yet, based on the Employment Density Guide and their net floorspace these are likely to create around 44 full time equivalent jobs.
- 4.4 The site layout plan submitted with the application shows the location of the Lidl supermarket to the west of the site. The proposed buildings are located around the periphery of the site, with car parking to the centre and northern parts of the site. Between the Lidl store and the western boundary there is a dedicated service road for the store and access to the adjacent Network Rail land.
- 4.5 Landscaping is proposed along the northern boundary and to either side of both the vehicular and pedestrian accesses. Trees are also proposed within the car parking areas.
- 4.6 The Lidl store would be single storey. The building would comprise a steel frame structure with a combination of metal cladding for the roof and insulated metal/composite cladding panels on the elevations. The other units follow a similar form to create a cohesive appearance to the site.
- 4.7 Vehicular and pedestrian access is retained from Beechdale Road. The development would be served by a single access/ egress point in in the north west corner of the site. Separate pedestrian accesses would be provided in a more central position on the Beechdale Road frontage and from the north east via the subway beneath Western Boulevard. The car park is to provide 153 car parking spaces, including 10 disability spaces and 8 parent and child spaces. A total of 13 Sheffield cycle hoops are to be provided to accommodate up to 26 bikes.
- 4.8 Deliveries will utilise the single site access and then service road that leads directly to the Lidl service area to the west of the proposed store. The service yard would be separated from the customer car park thus minimising the potential for conflict between the two.

- 4.9 The applicants have agreed to work in partnership with the Council to provide local employment and training opportunities during both construction and once the building is operational.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

Site notices were posted, a press advert published and letters sent to neighbouring properties. The applicant has made changes to the description of the development which was received on 12 February 2019. Local residents were re-consulted by letter, with an expiry date of 26 February 2019.

97 representations have been received from the member of public in support for this application. They supported the development as it would deliver many benefits: new jobs, more shopping choice and greater convenience for those living close by. They also consider that the proposals would ensure that a key local site left disused for so long would again play an important commercial role in the future of the area.

1 letter of objection has been received from a member of public who has raised concerns about the traffic impact of the proposals on Beechdale Road and the surrounding area.

A public consultation drop-in event by the applicant was held at Beechdale Community Centre on 18 October 2018, prior to the submission of the application. Key stakeholders and Local residents were invited to attend a preview of the plans on the day. 520 people gave feedback following the public consultation event. Of those, 97% were positive and supported the scheme. Only 2% opposed the proposed plans and 1% were unsure.

The East Midlands Ambulance Service has raised concerns to this proposal as the operator of the Ambulance Station directly adjacent to the proposed store. They stated that the increase in traffic will result in the potential for queuing on Beechdale Road with the possibility of hindering Blue Light response. This in part would be caused by the proximity of access to the store being exactly next to the Ambulance Station access and egress. They have queried whether or not traffic measurements have been considered and whether or not this would impact on Blue Light response times or capability.

Asda Stores Limited has objected to this proposal on the ground that the proposal will have impact on the existing centres, specifically on Hyson Green District Centre and Strelley Local Centre. They consider that the levels of impact shown by the applicants are underestimated and it is strongly recommended that further scenarios be assessed so that the true potential impact of this development can be considered. They have raised concerns regarding the potential traffic impacts of the development, particularly in terms of representing the likely traffic generation of the development compared with a non-existent 'extant' use, which is fundamentally flawed, and moreover in respect of road safety. They consider that the applicant has failed to adequately demonstrate the likely transport planning implications of the development, contrary to the requirements of the National Planning Policy Framework.

## **Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objection to the scheme subject to conditions to secure the provision of an electric vehicle charging scheme; a Remediation Strategy to deal with the risks associated with ground, groundwater, ground gas and radon gas contamination of the site; an environmental noise assessment and sound insulation scheme; details of any external lighting scheme; a scheme for the ventilation and means of discharging and dispersing fumes for the Lidl store, drive through and other retail units; a restriction on the hours of operation and servicing for the retail units; and a Noise Management Plan. These matters can be secured through conditions.

**Highways:** No objection subject to conditions relating to: the provision of parking, turning and servicing areas; cycle parking; a car park management plan including servicing and delivery requirements; provision of 14 parking spaces with electric charging points; submission of a staff travel plan; and a construction management plan.

The Highways team have also requested a review of the existing road markings and traffic regulation orders (TROs), to assist with any issues associated with traffic wishing to make right turns into and out of the site. This would be dealt under highways legislation and can therefore be covered with an informative on the planning decision.

The Highways team supports the principle of providing a pedestrian connection to east of the site to an existing footpath/ramp leading to a subway. However, they consider that alterations could be made to the proposed pedestrian ramp to better accommodate the potential pedestrian desire between the site and the subway. This can be achieved through having the proposed pedestrian ramp closer to the subway than at present. Alternatively, a set of steps could be provided connecting direct to the subway at this location in a similar manner proposed on the pedestrian approach to Beechdale Road to achieve a direct pedestrian desire line.

**Environment Agency:** No objection subject to provision of a scheme to deal with the risks associated with contamination of the site and an associated remediation strategy, in order to ensure that the development will have no adverse impact on the underlying principle aquifer, including a restriction on using penetrative methods for piling or any other foundation designs.

**Biodiversity Officer:** No objection subject to a condition relating to submission and implementation of a mitigation strategy should any roosts or suitable features be present and affected by the development.

The submitted arboricultural survey is adequate to assess vegetation losses within the site, but it does not include information on whether the trees have specific ecological value or features. Given the scope to mitigate any low value roost losses within the development proposed (such as under a bat box scheme), checking trees for roosts could be made a condition of permission, but the wording must also include production and implementation of a mitigation strategy should any roosts or suitable features be present and affected by the development.

The Biodiversity team also reviewed the landscaping proposals and welcome the use of native trees as well as fruiting and flowering varieties of ornamental shrubs.

**Network Rail:** No objection in principle to the development subject to a number of conditions aimed at protecting their land, which can be drawn to the applicant's attention via conditions and informatives.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (February 2019)**

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.
- 6.2 Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 Paragraph 124 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development. Paragraph 127 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development.
- 6.4 Section 7 paragraphs 86 to 90 of the NPPF set out the approach to the retail tests. Paragraph 86 requires a sequential test is carried out for main town centre uses which are not located within a town centre. It slightly amends the earlier version of the NPPF and states that "only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered". Paragraph 87 provides further advice on how the sequential test should be carried, including the need to demonstrate flexibility on issues such as format and scale.
- 6.5 Paragraph 89 requires all retail, leisure and office development outside of town centres to be subject to a retail impact assessment if over a proportionate, locally set threshold. Where no local threshold exists the default is 2,500sqm. Impact assessments should include assessment of:
- Impact of the proposed on existing, committed and planning public and private investment in a centre or centres in the catchment area of the proposal; and
  - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Where a development fails the sequential test or will have a significant adverse impact on one or more of the above considerations it should be refused in accordance with paragraph 90.

- 6.6 Paragraph 155 advises that inappropriate development in areas at risk of flooding should be avoided, but where it is necessary it should be made safe for its lifetime without increasing flood risk elsewhere.

- 6.7 Appendix 1 states that the policies in the NPPF are material planning considerations which should be taken into account in dealing with planning applications. For the purpose of decision-taking, the policies in the Local Plan are to be afforded weight in accordance with their consistency with the NPPF.

**Aligned Core Strategy (September 2014):**

Policy A - Presumption in Favour of Sustainable Development  
Policy 1 - Climate Change  
Policy 4: Employment Provision and Economic Development  
Policy 6: Role of Town and Local Centres  
Policy 10 – Design and Enhancing Local Identity  
Policy 14: Managing Travel Demand  
Policy 17 - Biodiversity

**Nottingham Local Plan (November 2005):**

Policy S5 – New retail developments on the edge of or outside existing centres  
Policy NE5 - Trees  
Policy NE9 – Pollution  
Policy NE10 – Water Quality and Flood Protection  
Policy NE12 – Derelict and Contaminated Land  
Policy T3 – Car, Cycles and Servicing Parking

**Nottingham City Land and Planning Policies DPD (Local Plan Part 2)**

This emerging plan has not yet been adopted, but is at an advanced stage, having been subject to a Local Plan examination. Therefore, whilst policies and allocations do not have the full weight of an adopted Local Plan, they can be regarded as being a material planning consideration.

The application site is a proposed allocation (PA34 - Beechdale Road - Former Beechdale Baths) within this emerging plan. The development principles associated with the proposed allocation identify that a convenience retail store (A1) would be an appropriate use, with scope also for residential (C3).

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main Issues**

- (i) Principle of Development
- (ii) Suitability of Retail use in this out of centre location
- (iii) Layout, design and appearance
- (iv) Residential amenity
- (v) Highways and access
- (vi) Biodiversity and trees
- (vii) Other Issues

**i) Principle of the development (Policy 4 of the Aligned Core Strategy)**

- 7.1 The site has been vacant since 2017 when the former swimming baths were demolished. The site lies within the urban area where the reuse of brownfield sites is actively encouraged and supported by the national and local planning policy.



- 7.2 The principle of retail development on the site is supported by the emerging Local Plan Part 2 allocation. The proposed development would create significant investment in the local area and enhance the retail offer available locally. This physical investment in a highly visible location would increase confidence in Beechdale and demonstrate the viability and attractiveness of investing in this part of Nottingham.
- 7.3 The proposed development would bring the vacant site back into an economic use and create an estimated 84 new jobs in a range of full and part time roles, leading to direct and indirect benefits to the local economy.
- 7.4 The proposed development would be located in a sustainable location which would be accessible to a large local residential population.
- 7.5 Supporting economic growth and productivity in Nottingham, it is considered that the principle of the development is therefore acceptable.

**ii) Suitability of retail use in this out of centre location (Policy 6 of the Aligned Core Strategy and Policy S5 of the Local Plan)**

- 7.6 In spite of the allocation of the site for retail use in the emerging Local Plan, the site is located outside of a designated centre. Consequently, Policy 6 of the ACS, Policy S5 of the Local Plan as well as national policy, require the proposed development to be considered against the sequential retail test and a consideration of the potential impact on planned investment and on nearby designated centres.
- 7.7 Paragraph 90 of the National Planning Policy Framework (NPPF) states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on either a planned investment or a nearby designated centre, it should be refused.
- 7.8 The application is supported by a Planning and Retail Statement which includes a sequential test and impact assessment.
- 7.9 Representations have been submitted on behalf of Asda in respect of the retail impacts arising from the proposed development. Points raised in these representations have been considered in the test and assessment.  
Sequential Test
- 7.10 The main centre with potential to accommodate the proposed development would be Hyson Green District Centre. However, following review of sites within or to the edge of Hyson Green District Centre, officers agree with the applicant's assessment that there are no sequentially preferable sites that could accommodate the proposed development.

Impact Assessment

- 7.11 The NPPF requires the impact test to be applied to retail proposals that are not in accordance with an up-to-date Local Plan, if the development is over a proportionate, locally set threshold. If there is no locally set threshold, the default threshold is 2,500sqm. Whilst Local Plan Part 2 sets out a threshold of 1000sqm it is not adopted yet. However the gross floorspace of the proposed development exceeds the NPPF threshold. In response to this, the Retail Impact Assessment

has considered the likely effects of the proposed development against the relevant tests defined within paragraph 89 of the NPPF:

a) The impact of the proposed development on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposed development; and

b) The impact of the proposed development on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

7.12 Taking each of these in turn, the following section of the report considers the potential retail impact of the proposed development.

a) The impact on existing, committed and planned investment in a centre or centres

7.13 In considering the impact on investment in centres, the applicant states that they are not aware of any current, committed and planned investment in any defined centre with a defined catchment area surrounding the site.

7.14 In terms of the trade diversion, the impact assessment identified that the majority of the impact will fall on the Lidl at Midland Way and Aldi at Radford Boulevard neither of which are located within a defined centre. Both stores are overtrading, therefore the anticipated trade diversion would not be enough to cause the operators to close either of these stores and as such the impact is not considered to be significant adverse.

7.15 The impact on Hyson Green District Centre including the Asda is anticipated to be 6.3%. However Hyson Green is a healthy and robust centre with a variety of retailers, capable of withstanding the level of impact anticipated. The impact on Hyson Green is therefore not considered to be significant adverse.

7.16 The impact on Strelley Road, which is also anchored by Asda, is likely to be overestimated as the turnover of the centre is based on the results of the household survey, when the anchor tenant was the Co-op. The turnover of the Asda is likely to exceed that of the Co-op, particularly in regard to the comparison floorspace. The anticipated level of impact is therefore not considered to be significant adverse.

7.17 Following advice from the Council's policy team, the applicant's assessment is accepted and it is agreed that the proposed development would not harm any existing business significantly. Also it would not have any significant adverse impact upon any committed or planned in-centre investment.

b) Impact on town centres and vitality and viability

7.18 In considering the impact to town centre vitality and viability, the applicant has used a recent household survey to inform the anticipate role, function and trading characteristics of the proposed development within the defined catchment area. In considering the vitality and viability, the applicant has considered the centres closest to the application site i.e. Beechdale Road, and the centre the proposals are likely to compete most intensely with due to the offer available i.e. Hyson Green District Centre (outside of catchment area).

- 7.19 The nearest centre to the application site is the Beechdale Road, which is located approximately 450m to the west of the application site. The centre comprises 17 units, of which just under a third are retail units (Use Class A1). At the time of the survey in October 2018, there were no vacant units. The centre appeared well used with customers in all of the units that were open at the time of the survey, mid-week, late morning.
- 7.20 The centre is close to resident's homes and provides an extremely convenient location to access a variety of shops and services. These shops co-exist with other existing retail destinations and provide for a different type of shopping function or provide a different offer. For example, it is unlikely the Premier caters for a main food shop and is much more likely to cater for top up shopping trips. The offer available also differs from the proposed Lidl, for example the butcher provides loose, unpacked meat that can be bought in specific quantities or butchered to specific requirements, unlike Lidl which only provides pre-packed meat. The Premier sells lottery tickets which Lidl do not. The proposals are therefore unlikely to significantly affect the trade to these locations which will continue to provide for a different function and offer.
- 7.21 Hyson Green District Centre has a linear form extending approximately 600m along Radford Road, from Palin Street to Berridge Road. There are small commercial units located either side of Radford Road and the Asda is located in the middle of the District Centre. The Retail Study identifies Hyson Green District Centre as a vibrant and vital centre that has developed to meet the needs of its catchment population. The diversity of the offer available is not typical of district centres elsewhere in Greater Nottingham, however this is considered a strength.
- 7.22 With regards to the potential impact on vitality and viability, a number of widely held assumptions have been taken into account, including that retailers compete on a 'like for like' basis. In this case it is reasonable to conclude that a small amount of trade will be drawn to the Lidl from the Asda at Hyson Green, as described previously. However, the size and diversity of the centre means it provides a robust offer that caters for a wide range of needs and consumer demands. It also caters for a larger catchment than the application proposals. For these reasons the proposals are unlikely to significantly and adversely affect the vitality and viability of this District Centre.

#### Summary and conclusion

- 7.23 The site has an emerging allocation for a convenience store; the Lidl store and associated impact should therefore be acceptable in principle. However, the above analysis considers the impact of the proposals as a whole. The analysis is based on several well-established principles associated with retail impact assessments, including that 'like competes with like' and that most people shop at the stores closest to their homes. The proposals are therefore likely to impact on the existing Lidl, Aldi and Asda stores located closest to the application site.
- 7.24 The Council's household survey demonstrates that these stores are trading strongly. The anticipated trade diversion would not be enough to cause the operators to close these stores and as such the impact is not considered to be significant adverse.
- 7.25 Hyson Green is a healthy centre, with a vibrant mix of shops and services. The robust District Centre is both vital and viable and as such the proposals will not

have a significant adverse effect on the centre. Similarly, Beechdale Road provides for neighbourhood shopping and local services and had no vacant units at the time of the survey. The shops and services provided in the local centre cater for a localised catchment that is unlikely to be significantly and adversely effected by the proposals.

- 7.26 Whilst the proposed development would draw a small amount of trade away from existing stores (inside and outside of catchment area), the level of diversion is not at a level which would be considered a significant adverse impact. On that basis, it is concluded that the proposed development is acceptable in terms of its retail impact and the requirements of the NPPF and relevant local development plan policies have therefore been passed.

### **iii) Layout, design and appearance (Policy 10 of the Aligned Core Strategy)**

- 7.27 The layout of buildings has been designed to create an active frontage towards Beechdale Road, ensuring no hidden areas are created which could potentially be used for anti-social behaviour, and creating natural surveillance throughout the carpark. Natural surveillance is enhanced by the clear and well-defined pedestrian routes from Beechdale Road to the north and the subway to the north east. The layout of the development balances the constraints of the site with the requirements of the retailers to create a viable and deliverable scheme.
- 7.28 At the request of the officers, the applicant has submitted a revised layout which offers a more permeable site for pedestrians. The amended design now enables a straight and continuous path to be provided from the pedestrian site entrance off Beechdale Road, running past the Lidl store entrance and alongside the eastern elevation of the store to the other retail units backing onto the southern site boundary. Landscaping to the site boundaries and within the car park would also enhance the appearance of the site and the setting of the development, including the provision of a low stone wall to the site frontage.
- 7.29 The design of the Lidl store follows a standard format comprising a large glazed elevation facing Beechdale Road, with metal cladding elsewhere which is primarily white but with a grey top to the building, beneath a mono-pitch roof. A canopy runs along the building frontage and wraps around onto the east elevation, focused on the main entrance and primary pedestrian activity around the store. The smaller retail units follow a similar approach in terms of their design and external materials, to provide a cohesive aesthetic, although brick piers are added between the individual shop fronts.
- 7.30 The service area for Lidl would be located on the western side of the store, separating this area from the customer car parking. Refuse storage and external plant is contained within the service area.
- 7.31 In conclusion, the design and layout are considered to be appropriate for the nature of development proposed and in response to site constraints. A focus has been placed on pedestrian routes through the site and landscaping, particularly to the site frontage. The development therefore accords with policy 10 of the ACS in this regard.

#### **iv) Residential amenity (Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan)**

- 7.32 Policy 10 of the Core Strategy states that all new development should consider impact on the amenity of nearby residents or occupiers. Policy NE9 of the Local Plan states that development should be sited and designed in a way to avoid adverse impacts on environmental amenity by reason of pollution including noise, light and air quality.
- 7.33 It should be noted that no concerns have been raised by members of the public relating to the impact of the proposed development on their amenity, particularly in terms of noise, lighting proposals and air quality. In fact, a large number of letters received are in support of this proposal.
- 7.34 The site does not lie immediately adjacent to any residential properties. The nearest residential properties lie to the north of the site on the opposite side of Beechdale Road. The proposal is for opening hours to be: Lidl 06.00 - 23.00 Monday to Saturday and 10.00 - 18.00 on Sundays; the six other units 06.00 - 23.00 Monday to Sunday; the drive through coffee shop 06.00 - 24.00 Monday to Sunday. All deliveries & collections are proposed to be 24/7.
- 7.35 It is proposed that the Lidl store would have no more than two deliveries per day & that vehicles would reverse into the service yard. All the other units would be serviced via the car park. Given the location of the development in relation to residential properties it is considered that these arrangements would not create significant concerns apart from:
- where deliveries to the Lidl store take place at unsocial hours any audible reversing warning may affect residents to the south of the development and
  - where waste collections from the other units (particularly for A3 & A5 uses) involve the collection of glass at unsocial hours

Environmental Health have considered this issue and advised that a Noise Management Plan would be required which should include mitigation against the above issues.

- 7.36 Environmental Health have also considered the other amenity and pollution related issues and raised no objection to the scheme subject to conditions to secure the provision of a Remediation Strategy for ground contamination; an Environmental Noise Assessment and Sound Insulation Scheme; details of any external lighting scheme; a scheme for the ventilation and means of discharging and dispersing fumes/odour associated with any A3/A5 use; and a restriction on the hours of operation. The suggested hours of operation by Environmental Health is in accordance with the proposed opening hours by the applicant. These measures can be secured through the recommended conditions as outlined in the draft decision notice.
- 7.37 The site lies adjacent to both a main arterial road and railway line, which create substantial background noise. The setting and lack of residential neighbours adjoining the site would ensure that local amenity would not be significantly impacted upon as a result of the development. The proposal therefore accords with Policy 10 of the Aligned Core Strategy and policy NE9 of the Local Plan in this regard.

**(v) Highways and access (Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)**

- 7.38 Concerns have been raised by one of the local residents, East Midland Ambulance Service and Asda regarding potential impacts generated by the traffic movements to and from this development. Asda has also raised significant concerns highlighting a number of deficiencies in the traffic assessment by the applicant, particularly in terms of representing the likely traffic generation of the development compared with a non-existent 'extant' use, and in respect of road safety.
- 7.39 Highways have assessed the proposals, including the Transport Assessment carried out by the applicants. They are satisfied with the content and findings of this report, and that the impact of the development on traffic flows and road safety are acceptable.
- 7.40 The access for the proposal will utilise the existing access road onto Beechdale Road. This access will also form the route for service vehicles, as well as an access point for maintenance purposes to the railway line to the south of the site. The access point is in the same location as the original Beechdale Baths access, and as such, is established. However, Beechdale Road at this location is a four lane road, with vehicles needing to potentially cross multiple lanes to reach the access when making right turns into the site. As a result, Highways have requested a review of the existing road markings and Traffic Regulation Orders. This would also assist in resolving issues raised by the East Midlands Ambulance Service and one of the local residents.
- 7.41 A total of 153 car parking spaces is proposed as part of the development, including the provision of 10 disabled bays, and 8 parent/child spaces. This would equate to a shortfall of 61 car parking spaces for the overall development in accordance with Council's parking standard for retail development. Highways have requested a car park management plan to ensure unauthorised use of the car park is controlled.
- 7.42 In terms of cycle parking, the proposed development includes adequate amount of secure spaces for both staff and visitors, in accordance with the Council's cycle parking standard.
- 7.43 The applicant is currently considering amendments to the pedestrian ramp to the north east corner of the site as suggested by Highways. Any changes made to this ramp will be reported at Committee.
- 7.44 Subject to the conditions requested by Highways, the development is considered to accord with Policy 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

**(vi) Biodiversity and trees (Policy 17 of the Aligned Core Strategy and Policy NE5 of the Local Plan)**

- 7.45 The proposed development would require the removal of total 11 trees from the site. Whilst none of these trees are protected by a Tree Preservation Order, it is considered that replacement planting should be undertaken as part of a landscape strategy of the site in line with Local Plan requirements and to integrate the development into the surrounding landscape. The details of the landscaping, including the planting new trees, can be secured through condition.

- 7.46 As requested by the Biodiversity Officer, all trees requiring removal should be checked for roosting bats prior to any works taking place, which can be secured through condition.
- 7.47 It is considered that the proposed development is in accordance with Policy 17 of the ACS and Policy NE5 of the Local Plan with regards to biodiversity.

**(vii) Other issues**

**Flood risk and drainage (Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan)**

- 7.48 The site lies within Flood Zone 1 at the lowest risk of flooding in accordance with the Flood Risk Maps for Environment Agency. However, the site is over 1ha and as such a Flood Risk Assessment (FRA) and Drainage Strategy has been submitted in support of the application. The FRA confirms that the development is categorised as "Less Vulnerable" and that the development proposals are in accordance with national planning policy for the control of flood risk.
- 7.49 SUDs are to be utilised through the provision of below ground attenuation to cater for a worst case 1 in 100 year storm event plus an allowance for climate change.
- 7.50 The Drainage team and Environment Agency have no objection to the proposals. Therefore, the proposal is in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

**Land contamination and ground conditions (Policy NE12 of the Local Plan)**

- 7.51 A Remediation Strategy will be required to deal with the risks associated with ground, groundwater, ground gas and radon gas contamination of the site. The proposal is therefore in compliance with policy NE12 of the Local Plan.

**8. SUSTAINABILITY (Policy 1 of the Aligned Core Strategy)**

The proposed development would incorporate various measures to mitigate and adapt to climate change. The retail units propose various sustainable practices such as lighting activated by motion sensors, night blinds on chill cabinets, powered down lighting in-store at night, flow control devices and water meters fitted etc, all to minimise energy consumption. Electric vehicle charging points are proposed within the car park. Overall the scheme will comply with policy 1 of the Aligned Core Strategy.

**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 cleared brownfield site with a sustainable development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction and operation 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: 18/02651/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)  
Land and Planning Policies (LAPP) -Local Plan (part 2) (submission version March 2018)

**Contact Officer:**

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# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided

**My Ref:** 18/02651/PFUL3 (PP-07419117)  
**Your Ref:**  
**Contact:** Mr Mohammad Taufiqul-Islam  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
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NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Indigo Planning  
FAO Mrs Julie White  
Toronto Square  
Toronto Street  
Leeds  
LS1 2HJ

Date of decision:

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

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Application No: 18/02651/PFUL3 (PP-07419117)  
Application by: Lidl UK GmbH  
Location: Site Of Beechdale Swimming Centre, Beechdale Road, Nottingham  
Proposal: Erection of a Lidl store (use class A1), 4no. shop units (use class A1/A2/A3/sui generis (nail salon and/or tanning salon)), 2no. shop units (use class A1/A2/A3/A5), a drive through coffee shop (use class A1/A3/A5) and associated car parking, servicing, infrastructure works and landscaping.

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

**Time limit**

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

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

**Pre-commencement conditions**

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



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**Not for issue**

Page 42

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2. The development shall not be commenced until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of delivery vehicles to/from the site, haul routes (if any), site security, traffic management plans, measures to prevent the deposit of debris on the highway, working times and a timetable for its implementation. This should also include an outline of the proposed method of construction, a risk assessment in relation to the railway and a construction traffic management plan.

Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site, to safeguard the amenities of existing occupiers and to ensure the safety, operational needs and integrity of the railway in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies NE9 and T3 of the Local Plan.*

3. Prior to the commencement of the development, a Remediation Strategy that shall have regard to the Phase 1 Desk Study by Remada dated Aug 2018 (ref 528.01) and includes the following components to deal with the risks associated with ground, groundwater, ground gas and radon gas contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on a) 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).

c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) 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 safeguard the health and residential amenity of the occupants of the proposed development and to prevent pollution of controlled waters to comply with Policies NE9 and NE12 of the Nottingham Local Plan.*

### **Pre-occupation conditions**

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

4. Prior to the first occupation of any building within the site, an external lighting scheme for the development, which shall have regard to the submission by Signify dated 30/11/2018 (ref O-2254900), shall be submitted to and be approved in writing by the Local Planning Authority. The external lighting scheme 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.

*Reason: To protect the amenities of neighbouring residential properties and in the interests of safety of the adjacent railway line and highway users in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

5. Prior to first occupation of the development, the following shall be submitted to and be 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 and radon 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: In order to ensure that the remediation strategy approved under condition 3 is fully implemented to accord with comply with Policies NE9 and NE12 of the Nottingham Local Plan.*

6. Prior to the occupation of any of the units for A3 and A5 uses or the ancillary preparation and / or cooking of food within an A1 use, 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.

Verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

7. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided and are surfaced in a bound material with the parking bays clearly delineated in accordance with plans to be first submitted and approved in writing by the Local Planning Authority. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning, loading and unloading of vehicles.

*Reason: To ensure that the development will provide satisfactory parking and servicing arrangements in accordance with Policy 14 of the Aligned Core Strategy and policy T3 of the Local Plan.*

8. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the parking of 26 cycles in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be conveniently located, be covered and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.

*Reason: To promote sustainable forms of travel in accordance with Policies 10 and 14 of the Aligned Core Strategy.*

9. No part of the development hereby permitted shall be brought into use until a car park management plan, including servicing and delivery requirements and the control of parking other than by customers of the development, has been submitted to and approved in writing by the Local Planning Authority. Therefore the car park management plan shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the development will provide satisfactory car parking, servicing and delivery arrangements in accordance with Policy 14 of the Aligned Core Strategy and policy T3 of the Local Plan.*

10. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for a minimum of 7 parking spaces to be supplied with electric charging points in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

*Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

11. Notwithstanding the approved drawings, details of a secondary pedestrian access to the site from the subway to the northeast, shall be submitted to and approved in writing by the Local Planning Authority. Unless it can be demonstrated that the route cannot technically, legally or without having to acquire rights over or from third party landowners, be provided due to the gas main, the approved details shall be installed prior to the occupation of the first building within the site.

*Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

12. The development shall not be brought into use until measures to enhance the ecological value of the site, including installation of bird and bat boxes to be incorporated into the design of the building, have been submitted to and approved in writing by the Local Planning Authority. The submission shall also include a mitigation strategy should any bat roost or suitable features are identified and affected by the development.

The measures shall be implemented in accordance with the approved details.

*Reason: In the interests of conserving protected species and the ecology of the development in accordance with Policy 17 of the Aligned Core Strategy and Policy NE3 of the Local Plan.*

13. a) Prior to the first occupation of the retail terrace and drive through, a noise management plan shall be submitted to and be approved in writing by the Local Planning Authority. The noise management plan shall provide sufficient detail to deal with the following noise issues:
- i. where waste collections from the units involve the collection of waste at unsocial hours.

Thereafter the retail terrace and drive thru shall only be operated in accordance with the approved noise management plan.

- b) Prior to the first occupation of the Lidl store, a noise management plan shall be submitted to and be approved in writing by the Local Planning Authority. The noise management plan shall provide sufficient detail to deal with the following noise issues:

- i. where deliveries or waste collections to/from the Lidl store take place at unsocial hours any audible reversing warning may affect residents to the south of the development.

Thereafter the Lidl store shall only be operated in accordance with the approved noise management plan.

*Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

### **Regulatory/ongoing conditions**

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



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**Not for issue**

Continued...

14. Prior to the installation of any plant and equipment, an environmental noise assessment and sound insulation scheme shall be 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 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).

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

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

15. The development shall be carried out in accordance with the approved landscape masterplan(drawing no. LBB01 Rev D). The planting and seeding shall be carried out in the first planting and seeding seasons following the completion of the development and any trees 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 and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy.*

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

*Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.*

17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

*Reason: To safeguard the health and residential amenity of the occupants of the proposed development and to prevent pollution of controlled waters to comply with Policies NE9 and NE12 of the Nottingham Local Plan.*

18. The development shall be carried out in accordance with the Flood Risk Assessment & Drainage Strategy prepared by Hadfield Cawkwell Davidson Ltd dated November 2018.

*Reason: To ensure that the surface water drainage of the site does not give increase the risk of flooding at the site and there is no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts, in order to accord with Policy 1 of the ACS and Policy NE10 of the Local Plan.*

19. A full Travel Plan with up-to-date staff travel survey data must be submitted for approval by the Local Planning Authority no later than 3 months after first occupation of the Lidl store. The Travel Plan shall be based on the framework version submitted as part of this planning application and will make reference to schemes and development that have occurred in the interim period. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation.

*Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

20. The retail units within the site shall not be operated outside of the following hours:

Lidl

- o 06:00 - 23:00 Monday to Saturday
- o 10:00 - 18:00 on Sunday

Six shop units

- o 06:00 - 23:00 Monday to Sunday

Drive through coffee shop

- o 06:00 - 24:00 Monday to Sunday

*Reason: To protect the amenities of neighbouring residential in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 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 24 December 2018.

*Reason: To determine the scope of this permission.*

#### **Informatives**

1. The Highway Authority considers it prudent that as part of the proposed off site highways works a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Nottingham City Council at the expense of the developer. This is a separate legal process and the Applicant should contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.





2. 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.

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

4. The development necessitates the repositioning of street lighting column(s). Please contact Street Lighting on 0115 876 1850. All associated costs shall be borne by the applicant.

5. The proposal will see the provision of retaining walls as part of the development. It is recommended the applicant contact Chris Capewell (tel 0115 876 5277) or Chris.Capewell@nottinghamcity.gov.uk regarding the structures. All costs associated with the structure (including ongoing maintenance) to be borne by the applicant.

#### 6. 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.

#### 7. Contaminated Land, Ground Gas & Groundwater

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, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

Cut and fill' operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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 Environmental Health 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 Environmental Health 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.

#### 8. 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 (EMAQ, 2018).

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.

9. At least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) of Network Rail must be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 3B  
George Stephenson House  
Toft Green  
York  
Y01 6JT

Email: [assetprotectionlneem@networkrail.co.uk](mailto:assetprotectionlneem@networkrail.co.uk)

10. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

11. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

#### 12. Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of

railway look-out protection, supervision and other facilities necessary when working from or on railway land.

13. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

14. Prior to the first occupation of the development a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) shall be constructed and make provision for its future maintenance and renewal. Network Rail's existing fencing/wall shall not be removed or damaged.

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: 18/02651/PFUL3 (PP-07419117)

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](http://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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**WARDS AFFECTED:** Bestwood

**Item No:**

**PLANNING COMMITTEE  
20th March 2019**

**REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

**William Olds Youth Centre , 84 Chiltern Way**

**1 SUMMARY**

Application No: 18/00143/POUT for outline planning permission

Application by: Tang And Associates Ltd - Chartered Architects on behalf of LCAM (Nottingham) Ltd. Mr M Aggarwal

Proposal: Demolition of building and erection of 22 three storey dwellings with associated car parking. (Details of access, appearance, layout and scale submitted for approval with landscaping reserved)

The application is brought to Committee at the request of Local Ward Councillors.

To meet the Council's Performance Targets this application should have been determined by 23rd July 2018.

**2 RECOMMENDATIONS**

**2.1 GRANT PLANNING PERMISSION subject to:**

a) The prior completion of an agreement under section 106 of the Town and Country Planning Act 1990 to include:-

- (i) a financial contribution of £31,561.20 towards off-site public open space and
- (ii) a financial contribution of £59,418.39 towards education provision

b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 Power to determine the final details of the planning obligation and conditions to be delegated to the Director of Planning and Regeneration.

2.3 That Committee 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.

2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations in accordance with Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

- 3.1 The application relates to the site of the former William Olds Youth Club on Chiltern Way. The site is located on the east side of Chiltern Way and is bounded by Sandy Banks Local Nature Reserve to the north, east and south. The west side of Chiltern Way is residential in character comprising two storey semi-detached and terraced houses. The former youth club building remains on site, standing at the north eastern corner, with a grassed area to the south and a hard surfaced car park to the west. The site is enclosed by palisade fencing around its perimeter as well as some hedging along the Chiltern Way frontage.
- 3.2 The site is currently owned by Nottingham City Council but has been declared surplus and has been vacant for more than 2 years. The Council is in the process of disposing of the land.

### **4 DETAILS OF THE PROPOSAL**

- 4.1 The application seeks outline planning permission for 22 houses on the site following the demolition of the existing building. Approval of the access, appearance, layout and scale are sought now, with landscaping details reserved for later approval. A new vehicular access is proposed alongside the northern perimeter of the site and the dwellings would be laid out in a cul-de-sac arrangement with five properties fronting onto Chiltern Way. Properties located at the eastern side of the site would face outward onto the Nature Reserve and properties adjacent to the south side boundary of the site would have dual aspect to provide views over the Nature Reserve to the south.
- 4.2 The proposed dwellings would be two storey in height with dormers to provide additional accommodation in the roof space. The dwellings would be of brick construction with accents of render to a small number of units, and pitched, tiled roofs.
- 4.3 The site layout and appearance of the dwellings have been subjected to a series of amendments to overcome concerns.

### **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

#### **Adjoining occupiers consulted:**

112 Pedmore Valley, Flat the Nirmala Surgery 112 Pedmore Valley and Flats 1-16,  
Sunrise House, 118 Pedmore Valley  
57-81 (odds) Chiltern Way  
The Presbytery, 51 Cherry Orchard Mount and Infant of Prague Catholic Church,  
Cherry Orchard Mount

The application has also been advertised by way of a site notice and press advertisement.

Further notifications were sent out to the above addresses and also 1 Chiltern Way, following receipt of amended plans.

Six representations have been received from six addresses, making the following comments:



- Chiltern Way is already congested with traffic and parked cars. It is not wide enough to accommodate an additional 23 dwellings and associated vehicles
- The road should be widened by taking land from the site
- The development only provides one parking space per dwelling which is not sufficient for 3 bedroom dwellings
- Three storey houses would not be in keeping with the existing dwellings within the area
- Three storey dwellings would overshadow and overlook the existing houses on the opposite side of Chiltern Way
- It is not clear whether the houses will be for private sale or affordable.
- Will there be any landscaping carried out beyond the site boundary?
- The construction process will cause disruption for existing occupiers in the area
- The revised layout provides a turning head for a bin lorry but this will not be useable if cars are parked here.
- The original plan showed trees to be retained and now these are to be removed.

**Additional consultation letters sent to:**

**Environmental Health:** No objection.

**Highways:** the revised layout and access is generally considered acceptable. However, further details have been requested in relation to tracking, turning, extent of shared surface and the width of pedestrian footpaths through the site.

**Biodiversity Officer:** The additional bat survey carried out in September 2018 is satisfactory. The applicant should be made aware that a further survey will be required if the development is not commenced within 2 years. Appropriate landscaping will need to be agreed. Conditions requiring bat friendly lighting and hedgehog friendly fencing are recommended.

**Tree Officer:** Although it would be preferable to retain the birch tree within the site, it is not of sufficient amenity value to justify retention at the cost of the development.

**6 RELEVANT POLICIES AND GUIDANCE**

**National Planning Policy Framework (February 2019)**

- 6.1 The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible and paragraph 11 indicates that development proposals that accord with an up-to date development plan should be approved without delay. A number of sections of the NPPF are relevant to this application.
- 6.2 **Delivery of a sufficient supply of homes** - Paragraphs 59-61 support the Government's objective of significantly boosting the supply of homes where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.3 **Promoting healthy and safe communities** - Paragraph 91 requires decisions to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction, are safe and accessible, and support healthy lifestyles. Paragraph 94 stresses the importance that a sufficient choice of school places is

available to meet the needs of existing and new communities. Great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Paragraph 98 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

- 6.4 **Making effective use of land** - Paragraphs 117-123 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.5 **Achieving well- designed places** - Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.6 **Conserving and enhancing the natural environment** - Paragraphs 170-183 states (amongst other things) that planning decisions should protect and enhance sites of biodiversity.

**Nottingham Local Plan (November 2005):**

NE3 - Conservation of Species.

NE5 - Trees.

NE10 - Water Quality and Flood Protection.

ST1 - Sustainable Communities.

T3 - Car, Cycle and Servicing Parking.

R2 - Open Space in New Development.

H1 - New Housing Development

## **Aligned Core Strategy (ACS) (September 2014):**

Policy A - Presumption in Favour of Sustainable Development

Policy 1 - Climate Change

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

Policy 19 - Developers Contributions

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of residential development
- (ii) Design and impact on the streetscene
- (iii) Impact on residential amenity
- (iv) Highways and Parking
- (v) Trees

**Issue (i) Principle of Residential Development** (Policies ST1, H1 and Policy 8 of the Aligned Core Strategy)

- 7.1 Policy ST1 aims to secure the creation and maintenance of balanced communities, including a balanced mix of housing size, type, and affordability. The policy supports the use of previously developed land and buildings and development at an appropriate density to help support local services and to ensure the efficient use of land.
- 7.2 Policy 8 of the Aligned Core Strategy emphasises the need to develop sustainable communities and, in Nottingham's case, places further emphasis on the provision of innovative family housing on the fringes of the city centre and a broader mix of housing elsewhere. Policy 8 also recognises that the appropriate housing mix will be informed by a number of factors including local housing strategies, demographics, need and demand, site specifics and accessibility.
- 7.3 The application site is located within a Primarily Residential Area as defined by the Local Plan. The existing building has been declared surplus to requirements and has been vacant for more than 2 years and the surrounding area is very much residential in character. The site is therefore considered appropriate for residential development.
- 7.4 The current proposal would deliver quality housing of an appropriate size and design for occupation by families, offering three bedroom properties with private rear gardens and off street parking. The development would benefit from good public transport links to the city centre being located close to a primary bus route. It is therefore considered that the proposed development would comply with policies ST1 and H1 of the Nottingham Local Plan and Policy 8 of the Aligned Core Strategies.

**Issue (ii) Design and impact on the streetscene** (Policies 8 and 10 of the Aligned Core Strategies)

- 7.5 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area. The commentary accompanying Policy 10 of the Aligned Core Strategy states that all new development should aspire to the highest standards of design, make a positive contribution to the public realm and create an attractive, safe, inclusive and healthy environment and the Policy itself sets the criteria that applications are to be measured against.
- 7.6 The proposed development has been the subject of pre-application discussions and has been amended a number of times to address initial concerns relating to the design and layout of the proposed scheme. The houses would now be comparable in scale to two storey dwellings, which would be in keeping with the existing houses along Chiltern Way. The amended scheme would provide a legible layout with an appropriate number of dwellings to make the most efficient use of the site. Whilst the density is higher than the immediate neighbouring residential development, it is considered that the site is visually separate from the houses opposite and that the development of short terrace blocks, oriented generally facing outwards, is an appropriate design response to the context. The proposed dwellings are of an acceptable size providing three bedrooms with adequate sized gardens and would therefore be suitable for family accommodation.
- 7.7 The layout has been amended a number of times to maximise views and natural surveillance over the adjoining Nature Reserve and ensure that the development is as outward looking as possible. The site frontage with five dwellings with direct access off Chiltern Way reflects the existing residential frontage on the opposite side of Chiltern Way. The plots on prominent corners have been designed with dual frontages where possible.
- 7.8 In-curtilage parking for one vehicle would be provided for each of the houses. The proposed palette of materials comprises brick, render and tiles. A condition requesting samples of all external materials is recommended. Details of landscaping have been reserved.
- 7.9 Rear access is provided to all properties for bin storage. In view of the above, it is considered that the proposed development complies with policies 8 and 10 of the Aligned Core Strategies.

**Issue (iii) Impact on Residential Amenity** (Policy 10 of the Aligned Core Strategies)

- 7.10 The closest residential properties are located on the opposite side of Chiltern Way, and it is not considered that the development would result in any significant overbearing impact or loss of light for the occupiers of existing properties on Chiltern Way.
- 7.11 The development would provide adequate sized houses, with sufficient outlook and access to natural light, and with private rear gardens. The proposal is therefore considered to provide a satisfactory quality living environment for future occupiers. The proposed development would therefore comply with Policy 10 of the Aligned Core Strategies.

**Issue (iv) Highways and Parking** (Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.12 A number of concerns have been raised by local residents about the impact that the proposed development would have upon congestion and on-street parking on Chiltern Way. Local Residents cite existing problems of congestion and suggest that the road is not wide enough to accommodate an additional 23 dwellings. The Highway Authority has been consulted, and raises no objection to the development on capacity or safety grounds. Each dwelling would provide off-street parking for one vehicle and the internal roads will allow for some informal on-street parking. The parking provision is considered to be sufficient and in line with the levels that the Council would usually expect to be provided for a residential scheme of this size. It is not anticipated that the proposed development would result in a significant increase in demand for on-street parking on Chiltern Way. It is therefore considered that the proposed development would comply with Policy 10 of the Aligned Core Strategies and Policy T3 of the Local Plan.

**Issue (v) Trees** (Policy NE5 of the Local Plan)

- 7.13 The application is accompanied by an Arboricultural Impact Assessment and Tree Survey which highlights the need for the removal of a Birch tree and a Hedge within the site. Although the survey is considered to undervalue the existing Birch Tree, its amenity value does not justify its retention at the cost of the development. The possibility of retaining the tree within one of the plots has been explored but this was not possible.
- 7.14 Landscaping details have been reserved for approval and as such a subsequent application will be submitted which will provide such details. A further condition requiring the provision of replacement trees is also recommended.
- 7.15 Provided that the development is carried out in accordance with the recommendations contained within the tree report and subject to the recommended conditions, it is considered that the development would comply with Policy NE5 of the Local Plan.

**8. SUSTAINABILITY / BIODIVERSITY**

- 8.1 An initial bat survey of the building was carried out by an Ecologist and a further survey to establish the presence or absence of bats was recommended. This was carried out in September 2018 and found no evidence of bat activity within the building. The Biodiversity Officer has reviewed the report and is satisfied with the findings. Given the proximity of the site to Sandy Banks Nature Reserve, details of bat friendly lighting would be secured as part of the ecological enhancement strategy required under condition 4 of the draft decision notice.
- 8.2 It will be important to ensure that the landscaping for the site is appropriate given the proximity of the Sandy Banks Nature Reserve. Landscaping details are reserved and will be submitted as part of the reserved matters application. A further condition requiring the use of hedgehog friendly fencing is recommended.

## **9 FINANCIAL IMPLICATIONS**

9.1 For this development, the policy compliant planning obligations are required as follows:

- An off-site financial contribution of £31,561.20 towards public open space.
- A Financial contribution of £59,418.39 towards education provision.

9.2 The public open space contribution would be used towards facility improvements at Southglade Park and Sandy Banks Local Nature Reserve, which are in the vicinity of the site. The sum towards education provision has been negotiated with the Education department and would be used to improve facilities in the Bestop Primary Planning Area (0010) which includes the following schools; Warren, Rise Park, Stannstead, Westglade, Southglade, Margaret Clitherow, Glade Hill, Henry Whipple and Robin Hood. It has been confirmed with the Parks Development and Schools Organisation teams that these contributions will not result in the pooling limits set out in the Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

## **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: requirement to provide a high quality and sustainable residential development.

Safer Nottingham: designing a development that that contributes to safer and more attractive neighbourhoods.

## **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: 18/00143/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P30IJ5LYH3B00>

2. Highways comments dated 8.1.19

3. Environmental Health comments dated 18.10.18
4. Biodiversity Officer comments dated 19.12.18
5. Tree Officer comments dated 27.4.18
6. Objection from local resident dated 28.4.18
7. Objection from local resident dated 28.4.18
8. Objection from local resident dated 13.5.18
9. Objection from local resident dated 21.5.18
10. Objection from local resident dated 1.1.19
11. Objection from local resident dated 20.1.19

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

Email: [zoe.kyle@nottinghamcity.gov.uk](mailto:zoe.kyle@nottinghamcity.gov.uk). Telephone: 0115 8764059

# NOMAD printed map



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0 0.02 0.04 km



## Key



City Boundary

## Description

No description provided





**My Ref:** 18/00143/POUT (PP-06654053)  
**Your Ref:**  
**Contact:** Mrs Zoe Kyle  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Tang And Associates Ltd - Chartered Architects  
FAO: Mr Barry Tang  
Entrance W1, First Floor  
Westwood House  
Greenwood Business Centre  
Manchester  
M5 4QH

Date of decision:

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

Application No: 18/00143/POUT (PP-06654053)  
Application by: LCAM (Nottingham) Ltd. Mr M Aggarwal  
Location: William Olds Youth Centre , 84 Chiltern Way, Nottingham  
Proposal: Demolition of building and erection of 23 three storey dwellings with associated car parking. (Details of access, appearance, layout and scale submitted for approval with landscaping reserved)

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. Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

*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.*

2. Application for the approval of any reserved matters 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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Page 65

- 1 -

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3. Notwithstanding the details shown on the approved plans, the development shall not be commenced until details of all the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.*

4. Prior to the commencement of development, an ecological enhancement strategy, together with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The ecological enhancement strategy shall be carried out in accordance with the approved details.

*Reason: To ensure that the ecological interest of the site is safeguarded and enhanced to accord with Policy 17 of the Aligned Core Strategy.*

5. Prior to the commencement of development a scheme to show the disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme should include SUDS techniques.

*Reason: In the interests of sustainable development and to reduce surface water run-off in accordance with Policy of the Aligned Core Strategy and Policy NE10 of the Local Plan.*

6. Notwithstanding the details shown on the approved plans, the development shall not be commenced until proposals for enclosing the site and individual plots therein have been submitted to and approved in writing by the Local Planning Authority. This should include details of hedgehog friendly timber fencing to be installed along the side boundaries of private rear gardens

*Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.*

7. The development shall not be commenced until proposals for electric vehicle charging points across the development have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategy.*

**Pre-occupation conditions**

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

8. The approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the dwellings 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, in accordance with Policy 10 of the Aligned Core Strategies.*

9. Individual dwellings shall not be occupied until the following matters relating to that plot have been provided in accordance with the approved details:

i) the plot has been enclosed



- ii) parking
- iii) drainage
- iv) bin storage
- v) electric vehicle charging point

*Reason: To ensure a high quality, sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.*

**Regulatory/ongoing conditions**

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

There are no conditions in this section.

**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:  
 Drawing reference 9413-010 revision B, received 28 December 2018  
 Drawing reference 9413-111 revision B, received 28 December 2018  
 Drawing reference 9413-112 revision B, received 28 December 2018  
 Drawing reference 9413-113 revision B, received 28 December 2018  
 Drawing reference 9413-114 revision B, received 28 December 2018  
 Drawing reference 9413-120 revision A, received 28 December 2018  
 Drawing reference 9413-101 revision C, received 28 December 2018  
 Other reference Arboricultural Impact assessment P.992.18 revision March 2018, received 27 March 2018  
 Ecology Report reference Ascerta Bat Survey Report revision September 2018 dated 17 September 2018

*Reason: To determine the scope of this permission.*

**Informatives**

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

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

3. The applicant will be expected to include proposals for the planting of a replacement tree for the tree to be felled, including details of species, size, location and tree pit, within the landscaping details required by condition 1 of this permission.

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.



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



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## **RIGHTS OF APPEAL**

Application No: 18/00143/POUT (PP-06654053)

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](http://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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Page 69

- 5 -

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