



Nottingham City Council Planning Committee

Date: Wednesday 19 February 2020

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:

Corporate Director for Strategy and Resources

Governance Officer: Kate Morris **Direct Dial:** 0115 876 4353

- 1 Changes to Membership**
To note that Councillor Toby Neal has replaced Councillor Cheryl Barnard as a member of the Committee
- 2 Apologies for Absence**
- 3 Declarations of Interests**
- 4 Minutes** 3 - 14
Minutes of the meeting held on 18 December 2019, for confirmation
- 5 Planning Applications: Reports of the Director of Planning and Regeneration**
 - a Former Mechanics Arms Public House, Alfred Street North, St Ann's** 15 - 28
 - b Former Waitrose Store, 110 Trowell Road, Wollaton** 29 - 44

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above before the day of the meeting, if possible.

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Nottingham City Council Planning Committee

Minutes of the meeting held in Room LB 31/32, Loxley House, Station Street, Nottingham, NG2 3NG on 18 December 2019 from 2:30pm to 4:41pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
Councillor Azad Choudhry
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis
Councillor Sally Longford
Councillor AJ Matsiko
Councillor Lauren O`Grady
Councillor Ethan Radford
Councillor Wendy Smith

Absent

Councillor Leslie Ayoola
Councillor Cheryl Barnard
Councillor Kevin Clarke
Councillor Mohammed Saghir
Councillor Cate Woodward
Councillor Audra Wynter

Colleagues, partners and others in attendance:

Lisa Guest - Principal Officer, Highway Development Management
Judith Irwin - Senior Solicitor
Adrian Mann - Governance Officer
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Director of Planning and Regeneration
Councillor Dave Trimble - Ward Councillor for Lenton and Wollaton East
Nigel Turpin - Team Leader, Planning Services

23 Apologies for Absence

Councillor Leslie Ayoola - Council business
Councillor Cheryl Barnard - work commitments
Councillor Kevin Clarke - unwell
Councillor Mohammed Saghir - Council business
Councillor Cate Woodward - unwell
Councillor Audra Wynter - unwell

24 Declarations of Interests

None.

25 Minutes

The Committee confirmed the minutes of the meeting held on 20 November 2019 as a correct record and they were signed by the Chair.

26 Deakin's Place, Radford - Student Accommodation

Rob Percival, Area Planning Manager, introduced application number 19/01998/PFUL3 for planning permission by the Cassidy Group (Deakin's Place) Limited for the demolition of the existing structures on the site and the construction of new, purpose-built student accommodation, plus associated ground floor, indoor and external amenity areas, access, landscaping, car parking and associated infrastructure.

The application is brought to the Committee because it is a major application on a prominent site, where there are important land use and design considerations.

To meet the Council's Performance Targets, this application should have been determined by 10 December 2019. An extension of time has been agreed with the applicant until 30 January 2020.

A list of additional information, amendments and changes to the item since the publication of the agenda and supplement to the original agenda was included in an update sheet, which was circulated at the meeting and appended to the agenda published online. It included two further conditions to the planning permission, relating to foundation building methods and biodiversity measures.

The following points were discussed:

- (a) the site is located on the west side of Deakin's Place, which is a short cul-du-sac. It is approximately 1.5 miles west of the city centre and a short walk from the University of Nottingham's Jubilee Campus. It contains a group of industrial buildings, surrounded by a hard-landscaped service yard and undeveloped scrubland with some vegetation. There are a number of other adjacent business premises;
- (b) the site is adjacent to the River Leen (which is a designated Local Wildlife Site) and the 'Nottingham Two' student accommodation is across the river. A former nursery school is located to the north. The majority of the site is located within flood zones 2 and 3b, which are at a medium and high risk of flooding respectively, and the development will make a contribution to the flood alleviation scheme for the wider area. Although it is currently an employment site, it does not fall within a protected employment area as defined by either the current or emerging local plans;
- (c) the application is for the clearing and redevelopment of the site to accommodate 703 student bedrooms. The grounds fronting onto the River Leen will be landscaped, including the removal of the riverbank sheet piles and the creation of terracing with appropriate planting for the local environment. There will be a green-roofed structure that houses part of the communal facilities and a substantial array of solar panels on the other roofs is anticipated. The building fabric and heating and lighting systems will be considered closely to reduce the base energy demand and natural ventilation will be used;

- (d) there will be seven storeys along the main 'spine' of the building, with the top storey recessed, dropping to six storeys on the wings projecting from its southern end. The principle facades of the building will be finished in brickwork (of three different colours and textures), with accent elements of cladding;
- (e) the main pedestrian access to the site will be via a new footbridge over the River Leen, located on the western boundary. A third additional condition will secure that it is provided prior to the development being occupied. The bridge will connect the site to the existing pedestrian footpath that runs along the western side of the River Leen. A new river maintenance access point will be provided at the northern end of the site. Vehicle access will be via Deakin's Place, but the development will be largely car-free, with only six car parking spaces available (including two disabled bays). All of the parking spaces will include Electric Vehicle Charging points. A external cycle storage with 217 spaces will be provided, along with two external bin stores, including recycling;
- (f) currently, under the Council's adopted planning policies, student accommodation developments are not required to make a section 106 contribution to affordable housing in the locality, though this will be changed in the upcoming new Local Plan. The section 106 obligation for this development, as set out in the report, meets the current planning policy requirements in relation to open space and student management and will provide funding for measures to improve the flood profile for this development and also make a valuable contribution towards flood management in the area;
- (g) the Committee asked that, in the New Year, it would be helpful to meet with the independent section 106 assessor to discuss the viability issues and considerations that inform a development's ability to meet section 106 policy requirements, in relation to the new Local Plan and the urgent need for the building of more affordable housing;
- (h) the Committee felt that, ultimately, the proposals represented a strong scheme that had evidently been developed through a good working relationship with officers. The success of the local universities has attracted a large number of students to the area, who bring a range of benefits to the City. However, a strong strategy is required to ensure that students can be housed in purpose-built accommodation in the City for the full duration of their studies, so that residential homes remain available for families and private landlords are not encouraged to turn family homes into multi-occupancy properties for the student market. Close engagement is needed with the universities to make this strategy successful, in addition to managing the behaviour of students when not on campus. Discussions are underway with the universities on a joint student living strategy to address these and related matters. In the New Year, an update will be provided by officers on the strategy for housing students, including figures on the current and future supply and demand of purpose built student accommodation.

Resolved:

(1) to grant planning permission, subject to:

- (i) receipt of confirmation from the Environment Agency that the measures proposed and agreed with the developer secure the provision of satisfactory mitigation to ensure the development is safe for its lifetime from flooding and would not result in flooding elsewhere;**
 - (ii) the prior completion of a section 106 planning obligation to secure:**
 - a. an off-site public open space financial contribution of £148,002 towards enhancement in the surrounding area;**
 - b. a student management plan, to include restrictions on car use;**
 - c. a financial contribution towards flood alleviation works if so required in accordance with minute 26(3), below;**
 - (iii) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report of the Director of Planning and Regeneration together with the two additional conditions as per the update sheet regarding foundation building methods and biodiversity measures, plus an additional condition regarding provision of the pedestrian footbridge;**
- (2) the Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought at minute 26(1)(ii) a. and b. above are:**
- (i) necessary to make the development acceptable in planning terms;**
 - (ii) directly related to the development;**
 - (iii) fairly and reasonably related in scale and kind to the development;**
- (3) to delegate power to the Director of Planning and Regeneration to determine the final details and terms of a section 106 planning obligation as to whether a financial contribution towards Environment Agency flood alleviation works along the River Leen corridor associated with the site and wider area should be sought, and as to the quantum of such a contribution, subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:**
- (i) necessary to make the development acceptable in planning terms;**
 - (ii) directly related to the development;**
 - (iii) fairly and reasonably related in scale and kind to the development;**
- (4) to delegate power to the Director of Planning and Regeneration to determine the final details of both the conditions and the section 106 planning obligation sought pursuant to minute 26(1)(ii) a. and b.**

27 Express Dairies, Meadow Lane - Apartments, Houses and Retail

Martin Poole, Area Planning Manager, introduced application number 18/01570/PFUL3 for planning permission by Hunter Page Planning Limited on behalf of Trent Bridge Quays (Phase II) LLP for the demolition of the existing buildings on the site and a residential development comprising 44 apartments, 14 townhouses and retail space.

The application is brought to the Committee because it is a major application that raises important local issues and the requirement for policy-compliant section 106 planning obligations is proposed to be reduced for viability reasons.

To meet the Council's Performance Targets, this application should have been determined by 30 May 2019.

A list of additional information, amendments and changes to the item since the publication of the agenda and supplement to the original agenda was included in an update sheet, which was circulated at the meeting and appended to the agenda published online. It included two further proposed conditions to planning permission, relating to further sustainability measures and the means of enclosure for the site and individual dwellings.

The following points were discussed:

- (a) the site is located directly opposite Nottinghamshire County Football Ground and adjoins a site to the south and west that is owned by the same applicant, which is being developed for apartments and townhouses. It is part of the Waterside Regeneration Zone, and the intention is to change this old industrial area into a residential quarter for family housing. The site was last used and operated as a dairy depot and contains two large warehouses. There is a range of much smaller, single-storey buildings that are arranged in a horseshoe around the perimeter of the remainder of the site, with a central open area and a wide-gated vehicle access;
- (b) the current proposal is for the clearance and redevelopment of the site with 44 apartments in a five-storey building and 14 three-storey townhouses. There will be a retail space within the ground floor of the apartment building, which the developer considers to have a viable place within the local market, with a range of possible uses to achieve an active frontage. The development will be a continuation of the first phase of the development now underway on the adjoining site, with the terraces of townhouses in this first phase being extended to link with the apartment building. The existing palette of materials will be continued, including different bricks and planes with detailing to enhance the elevations. The buildings are relatively simple with good materials and so should not require a 'lid' as part of the design, but some patterning could be included at the top of the buildings;
- (c) access to the development is off Meadow Lane using a new road to be provided as part of the first phase of the development. There will be 47 car parking spaces in a continuation of the layout of the on-street parking bays that are being provided in the first phase of the development, and also within a parking courtyard

space to the rear of the apartments building with access and egress via carriageway entrances, though this represents less than 1 space per unit. There is a high level of traffic regulation in the area and the Highways team is satisfied that the number of parking spaces is appropriate to the development, but the properties will be more attractive to people who do not have cars;

- (d) the townhouses will have private rear garden spaces, short front enclosed areas, and external terraces at second floor level. The south facing-elevation of the apartments building also includes short external balconies for natural ventilation and, in order to ensure good heat management, appropriate opening windows will be specified in the context of the relevant Building Regulations. Solar panels will be installed on the roofs of the houses, with a green roof for the apartments. Trees and other on-street hard and soft landscaping will be provided as an extension of the approach to the landscaping to the first phase, with the final details to be confirmed through the planning conditions. The buildings will not be fully carbon neutral, but the sustainability measures exceed the expectations of the current planning policy and Building Regulations;
- (e) the Committee felt that engagement by developers with environmentally sustainable buildings in the context of ongoing climate change is vital going forward, and it hoped that greater public transport infrastructure would be developed in the area in the future. The required commitments to sustainability are increasing as part of the new Local Plan, which will include a Supplemental Planning Document on responding to climate change;
- (f) although the developer is making section 106 contributions to education, open space and employment, the independent assessor has concluded that it is not viable for a contribution to be made to affordable housing in the area. The Nottingham University Hospitals NHS Trust has also requested a contribution and there is an ongoing discussion on the justification for support of secondary healthcare via section 106 obligations in general. In the case of this particular scheme, viability considerations would lead to no contribution being required;
- (g) the process of determining the package of section 106 contributions that should be required is rigorous and includes an independent viability assessment. At the end of that exercise, the planning officers consider that the contributions detailed in the report's recommendations are appropriate and proportionate in the circumstances of the scheme. The Waterside Regeneration Zone is a pioneering area for residential development and, once the initial developments are established and the viability of the area increases, there will be increased capacity for the wider inclusion of affordable housing as part of future developments;
- (h) the Committee felt that the development represented a positive contribution to the changing social conditions in the area. However, although the contributions to education, open space and employment are very welcome, some members of the Committee were concerned that the development did not help to address the significant pressures for more social and affordable housing in the City – either through the direct provision of such housing or a related Section 106 contribution to its creation in the wider area – and that the new properties will not be affordable for much of the City population.

Resolved:

(1) to grant planning permission, subject to:

- (i) prior completion of a section 106 planning obligation to secure:**
 - a. a financial contribution of £78,872 towards education provision;**
 - b. a financial contribution of £56,354.16 towards open space provision;**
 - c. a financial contribution of £26,696 towards local employment and training opportunities;**
- (ii) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report of the Director of Planning and Regeneration and the two additional conditions relating to the provision of sustainable design features and boundary treatments as per the update sheet;**

(2) to delegate power to the Director of Planning and Regeneration to determine the final details of both the conditions and the planning obligation.

(3) The Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:

- (i) necessary to make the development acceptable in planning terms;**
- (ii) directly related to the development;**
- (iii) fairly and reasonably related in scale and kind to the development.**

28 Radmarsh Road, Lenton - Student Accommodation

Rob Percival, Area Planning Manager, introduced application number 19/02325/PFUL3 for planning permission by Church Lukas on behalf of Omni Developments for the erection of a six-storey co-living student accommodation block, with associated ancillary accommodation and structures.

The application is brought to the Committee because it is a major application on a prominent site where there are important land use and design considerations.

To meet the Council's Performance Targets this application should be determined by 16 January 2020.

A list of additional information, amendments and changes to the item since the publication of the agenda and supplement to the original agenda was included in an update sheet, which was circulated at the meeting and appended to the agenda published online. It included further comments from the applicant, the Environment Agency, local groups, residents in the area and a ward councillor.

Prior to the Committee's consideration of this item, and with the permission of the Chair, Councillor David Trimble addressed the Committee in his role as a Ward Councillor for Lenton and Wollaton East and made the following points:

- (i) the student population in the City is concentrated heavily in the Lenton area, and this leads to significant issues for the local communities. Students can create a great deal of noise and disruption late at night and early in the morning. The Council's Anti-Social Behaviour team is in the area frequently and 1353 Community Protection Notices were issued in the last year, with 1124 street alcohol confiscations carried out – with most incidents occurring in a very narrow period of time;
- (ii) in addition to problems in the street, anti-social student behaviour can also lead to problems on the buses, and night-time disturbance for local pupils at the neighbourhood schools – particularly during examination periods. Increasing student numbers exacerbates the existing shortage of street parking for other residents – although students are not allowed to bring private cars to their accommodation, they do so and there is nothing to prevent them;
- (iii) the student population in Lenton is already high, but more developments are in the pipeline for further student accommodation in the area. The existing level has already created a significant community imbalance and is detrimental to local residential communities, who oppose the construction of additional student accommodation in their area.

The following points were discussed:

- (a) the development site is a former timber yard situated at the end of Radmarsh Road in Lenton, which is bound by the railway to the east and the River Leen to the west, and it contains a collection of semi-dilapidated, single-storey buildings. Currently, Radmarsh Road is a mixed-use area, with a pub and a car dealership. There is also a collection of four-storey student accommodation buildings with approximately 200 units. There is a footpath leading to a footbridge over the River Leen, providing access onto the University of Nottingham's Jubilee Campus. To the east of the site, beyond the railway line, is a mix of commercial and residential properties. To the west, there are buildings within the Jubilee Campus;
- (b) the site is designated as being within Flood Zones 2 and 3b, and is located partially within an Archaeological Constraint Area. It falls within the area safeguarded for the expansion of the Jubilee Campus, where this south eastern corner is designated for 'mixed use' development associated with its primary function for education and research and development use;
- (c) the application is for the construction of a six-storey student accommodation block with 222 beds and associated ancillary accommodation and structures. There will be a green-roofed 'energy centre' at the front of the building to power the site, incorporating a facilities management area and staff room, with external covered store areas for 22 bins (including recycling) and 50 bikes. Extensive landscaping will be carried out to the front and side of the building, to enhance the pedestrian

routes and link to the campus. No car parking is proposed, with the exception of 1 space for the facilities manager and 2 disabled parking bays;

- (d) the Committee felt that the building, of itself, represented a good development, with positive measures in place to address sustainability issues. However, the current – and increasing – number of students in the area, and the effect that this has on local communities, is of substantial concern to residents. Some members of the Committee felt that, due to saturation in this particular area, further accommodation should not be built in this location, and that it might be better placed on the Jubilee Campus site itself, in the northern area that is owned by the University. The site for the proposed development is within an area allocated for mixed use, but members were concerned that the actual developments coming forward reflected only student residential use;
- (e) ultimately, current planning policy is to develop purpose built residences for students in order to prevent the conversion of family homes into houses in multiple occupation (HMOs) – and to see HMOs converted back into family homes, where possible. A great deal of work is needed on the creation of a wide and full range of housing provision spread across the City, and very close discussion is needed with the universities to achieve suitable student accommodation that does not have a negative impact on local residential communities.

Resolved:

(1) to grant planning permission, subject to:

- (i) receipt of confirmation from the Environment Agency that measures proposed and agreed with the developer secure the provision of satisfactory mitigation to ensure the development is safe for its lifetime from flooding and would not result in flooding elsewhere;**
- (ii) prior completion of a section 106 planning obligation to secure:**
 - a. an off-site public open space financial contribution of £46,804.26 towards enhancement in the surrounding area;**
 - b. a student management plan, to include restrictions on car use;**
 - c. a financial contribution towards flood alleviation works if so required in accordance with minute 28(3) below;**
- (iii) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report of the Director of Planning and Regeneration;**

(2) the Committee is satisfied that the Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought at minute 28(1)(ii) a. and b. above are:

- (i) necessary to make the development acceptable in planning terms;**

(ii) directly related to the development;

(iii) fairly and reasonably related in scale and kind to the development;

(3) to delegate power to the Director of Planning and Regeneration to determine the final details and terms of a section 106 planning obligation as to whether a financial contribution towards Environment Agency flood alleviation works along the River Leen corridor associated with the site and wider area, should be sought and as to the quantum of such a contribution, subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:

(i) necessary to make the development;

(ii) acceptable in planning terms;

(iii) directly related to the development;

(iv) fairly and reasonably related in scale and kind to the development;

(4) to delegate power to the Director of Planning and Regeneration to determine the final details of both the conditions and the section 106 planning obligation sought pursuant to minute 28(1)(ii) a. and b.

Councillor Sally Longford, Councillor Pavlos Kotsonis and Councillor Ethan Radford requested that their votes against the above decision were recorded.

29 Eagle Press, Riverside Way, The Meadows - Apartments

Rob Percival, Area Planning Manager, introduced application number 19/00937/PFUL3 for planning permission by Rayner Davies Architects (Mr Julien McGuinness) on behalf of Gilbert & Hall Limited (Mr Tewson) for the demolition of a commercial unit and the erection of a new, four-storey apartment building comprising 42 apartments with associated parking.

The application is brought to the Committee because this is a major development where policy-compliant section 106 planning obligations are proposed to be waived for viability reasons.

To meet the Council's Performance Targets, this application should have been determined by 16 October 2019. The applicant has agreed an extension of time until 19 December 2019.

A list of additional information, amendments and changes to the item since the publication of the agenda and supplement to the original agenda was included in an update sheet, which was circulated at the meeting and appended to the agenda published online. It included further information on the section 106 contribution in relation to education and traffic management. A further condition to planning

permission is proposed, relating to the submission and implementation of sustainable design features.

The following points were discussed:

- (a) the Eagle Press Buildings site is located between Robin Hood Way to the north and Riverside Way to the south. Currently, it is occupied by four industrial units that, apart from one, are vacant and in a poor state of repair. There are three vehicular access points to the site from Robin Hood Way. The Meadows residential estate is adjacent to the site, in addition to further industrial and commercial units. The Victoria Embankment lies to the south-east, with the River Trent beyond. The NET 2 tram line and a tram stop is located to the east of the site, which runs across the River Trent on Wilford Bridge to the south-east. The development has been extended to include a section of grass verge and footpath that constitutes highway land and sits between the site and the footpath along Riverside Way. The site is located with Flood Zones 2 and 3a of the River Trent. Permission has been granted already for a telecoms mast on the site to be relocated further to the west on Riverside Way. The associated small substation will remain in situ;
- (b) the proposal is to demolish the existing industrial units and construct a 3 to 4 storey building comprising 42 apartments, with under-croft parking for 30 cars, accessed from Robin Hood Way through a security gate. Pedestrian access will be provided from both Robin Hood and Riverside Way. Bin storage and a cycle store for 42 cycles will be included within the under-croft parking area. The sustainability measures for the development focus mainly on the fabric of the building to achieve heat and energy efficiency – the installation of solar panels is not proposed;
- (c) the apartment building will be contemporary in its design, constructed largely in brick, with a glazed central entrance and atrium area, and a grey cladding system to the top floor. There will be a brick and railing enclosure to the back of the site and defensible outside space will be created around the ground-floor residences. There is not a great deal of scope for plating in the car parking area, but an area of the public highway to the front of the site will be included in the development and landscaped as part of the scheme;
- (d) the Committee felt that, generally, the development was very positive in design terms and represented a good improvement for the local area – though it considered that the appearance of the rear elevation was weaker than that of the front. However, it was very disappointed that the independent section 106 assessment had concluded that it is not viable for the development to make a contribution towards the provision of affordable housing, as there is a vital need to be aspirational for all of the citizens of Nottingham and combat the significant social issues caused by the lack of genuinely affordable housing, which have a major impact on Council services;
- (e) the Committee recommend very strongly that solar panels should be included wherever achievable, to offset a site's energy usage as much as possible, and that planning officers should raise this again with the developers. There is now a range of accessible battery storage options available, and batteries can be shared

between properties. The Meadows community in particular has a specific aspiration to achieve carbon neutrality and developers should seek to contribute to this wherever possible. In view of the Committee's concerns regarding the extent of sustainable design features which would be offered by the developer in compliance with the additional condition, it was proposed that selected Councillors on Planning Committee should have an involvement in the discharge of that condition.

Resolved:

(1) to grant planning permission, subject to:

- (i) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report of the Director of Planning and Regeneration;**
- (ii) an additional condition as follows: "Prior to the commencement of above ground works, details of the sustainable design features to be used in the development being submitted to and agreed in writing with the Local Planning Authority. For the purposes of this condition, the Local Planning Authority shall constitute the Director of Planning and Regeneration in consultation with the Chair, Vice Chair, Opposition Member and Councillor Sally Longford of the Planning Committee. The development shall then be carried out in accordance with the approved details";**

(2) to delegate power to the Director of Planning and Regeneration to determine the final details of those conditions identified at minute 29(1)(i).

Councillor AJ Matsiko requested that his vote against the above decision was recorded.

WARDS AFFECTED: St Anns (May 2019)

Item No:

PLANNING COMMITTEE
19th February 2020

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Shell For Mechanics Arms And Flat Over , Alfred Street North

1 SUMMARY

Application No: 19/02365/PFUL3 for planning permission

Application by: Allan Joyce Architects Ltd on behalf of Framework Housing Association

Proposal: Erection of 16 supported living flats and associated management and training facilities following demolition of public house.

The application is brought to Committee due to significant public interest contrary to officer recommendation from local residents with two Ward Councillors having submitted written objections. In addition it is proposed that the planning obligations typically required by adopted planning policies be waived in this case.

To meet the Council's Performance Targets this application should have been determined by 21st January 2020.

2 RECOMMENDATIONS

Subject to no additional representations being received by 24 February 2020 raising material planning considerations that have not already been addressed by this report, to **GRANT PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

- 3.1 The application building is a two storey vacant public house on the corner of Alfred Street North and St Ann's Way. To the north across Alfred Street is a vacant community building; to the south and west, adjoining the site, and across St Ann's Way to the east, are two storey dwelling houses. The area is generally residential although to the north and east are some commercial buildings.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for a three and four storey, flat roofed building to provide sixteen one-bedroom, one-person supported living flats on the three upper floors with training and staff facilities on the ground floor. The new building would be located on the back edge of the St Ann's Way pavement (the pub is set back). Materials are brick, with a standing seam vertical clad section to upper floors on St

Ann's Way, and aluminium windows. A yard at the rear of the building would provide cycle and bin storage.

- 4.2 The proposed flats would provide safe short-term accommodation for residents; the applicants advise that residents stay in such accommodation for an average of six months. The communal areas on the ground floor would accommodate staff and provide space for one-to-one and group support and advice sessions with residents. The facility would be staffed 24 hours.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Planning consultation

- 5.1 Twenty neighbouring properties were notified by letter dated 28 October 2019. Following concerns raised by residents and Ward Councillors at a Public Meeting on 28 January about the level of consultation, seventy-three neighbouring properties (including those originally notified) were notified by letter dated 31 January 2020. The letters were sent to properties on Sherwin Walk, Welbeck Walk, Bangor Walk, Kilbourn Street and Alfred Street. A site notice was displayed on 29 October 2019. Press advertisement published on 30 October 2019. The consultation period expires on 24 February 2020 and any further objections received prior to Committee will be reported verbally.

Representations have been received from six individual residents. Objections to the proposal are as follows:

- Such a use, particularly in proximity to Mansfield Road and the city centre, would lead to increased anti-social behaviour and crime;
- Community safety concerns for residents walking past the site, particularly at night;
- The use would lead to parking problems;
- Such a use should not be located in a residential area;
- The use would lead to a fall in house prices (it is noted that this is not a matter for the planning system);
- Location close to the city centre will attract drugs, crime, violence and alcohol abuse;
- The children's play area at Heskey Park will be subject to anti-social behaviour;
- Whilst residents of the facility will receive support inside the building, that support will not be present when residents are outside the building;
- This is a vulnerable area where improvements have been made regarding crime and anti-social behaviour; building a facility for vulnerable people within a vulnerable area has the potential to reverse these improvements.

A petition with twenty-five signatures has been received objecting to the proposal. The petition notes existing problems of crime and anti-social behaviour in the immediate area and the concern that the proposed use will add to this. It is noted that there are already four hostel and similar uses in the area.

Nottingham Civic Society objects to the demolition of the former Mechanics Arms in Alfred Street North because it is a building worthy of Local List designation. If the loss of the Victorian building has to be accepted, the proposed replacement building is too large and occupies too much of the site. Its bulk creates an over-

bearing building that intrudes incongruously into the historic context, and does not defer to the strong local character of the area.

Ward Councillor Consultation

- 5.2 A letter was sent by Ward Councillors to 104 properties on 4 November 2019 advising them of the application, asking “are you happy with the plan to develop the former Mechanics pub into flats for service users needing supported living?”. The Case Officer has been provided with nine responses to this process. Of these, four object to the proposal, four are in favour and one is unsure. The responses in favour of the proposal note that the use will provide help for people in need, will lead to rehabilitation and provide housing for the homeless.

Ward Councillor David Liversidge has written to object to the proposal for the following reasons:

- It is on the edge of a large council estate that is very desirable and has a successfully integrated and stable community;
- There is a women's refuge in the vicinity;
- It is very close to Mansfield Road where there is a night time culture;
- It will add to the problems the area is experiencing from a minority of people causing antisocial behaviour and drug dealing in the area.

Ward Councillor Sue Johnson has written to object to the proposal for the following reasons:

- Concern regarding the decision process by which the City Council has contributed funding to this project;
- This area forms part of a police intense investigation regarding street and crack house drug dealing;
- Existing problems in this area due to vulnerable homeless individuals dispersed from the city centre;
- Existing residents and families will need to pass the proposed building to reach Mansfield Road and the city centre, exposing them to anti-social behaviour;
- Anti-social behaviour will spill over from the site onto nearby streets and the recently improved Heskey Park;
- St Anns is already a deprived area with crime and anti-social behaviour and the proposal will add to these issues.

Public Meeting

- 5.3 A public meeting was held on 28 January 2020, attended by approximately twenty-five residents and by the three St Anns Ward Councillors. All residents and Councillors attending the meeting made clear their opposition to the proposal. The concerns raised have mostly been covered above. A further concern expressed is that St Anns has a high crime rate but the situation is improving; the area around the application site in particular has been the subject of recent police action. Given that the area is improving but remains vulnerable to crime, the proposed use has the potential to damage recent progress.

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: No objection subject to the provision of cycle spaces.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. 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:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) 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);
- d) 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;
- e) 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
- f) 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.

Aligned Core Strategies (2014):

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Local Plan Part 2 - Land and Planning Policies (January 2020)

Policy CC1: Sustainable Design and Construction

Policy HO4: Specialist and Adaptable Housing

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy LS4: Public Houses outside the City Centre

Policy TR1: Parking and Travel Planning

Policy EN2: Open Space in New Development

Policy IN4: Developer Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

- (i) The loss of the public house is acceptable.
- (ii) The impact of the proposal on neighbouring occupiers is acceptable.
- (iii) The scale and design of the building is appropriate for this location.
- (iv) Planning obligations.

Issue (i) Loss of the public house (ACS Policy 10 and LAPP Policies LS4 and DE2)

- 7.1 A nomination was made in 2016 for the Mechanics Arms / Pride of Erin public house to be included on the List of Assets of Community Value. The nomination was rejected as it appeared from the evidence provided that this pub's actual and current use did not further the social wellbeing and interests of the local community and did not satisfy the statutory tests set out in sections 88 a) to d) of the Localism Act 2011. The criteria of Policy LS4 are considered to be met: alternative public house are available locally and the pub did not constitute a service of particular value to the local community nor would its loss result in a detrimental impact on the character and vitality of the area. The site has been for sale for some time with no interest in purchase as a viable public house. The proposal is thereby acceptable in terms of Policy LS4 of the Local Plan Part 2.
- 7.2 The potential heritage value of the public house has been considered and the conservation officer has noted that the building does not have sufficient architectural or cultural value to be included on the Local List. The building is not in a conservation area and the site is sufficiently remote from the listed former mill on Alfred Street, which is sufficiently robust in its own appearance, not to have any detrimental impact. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policy DE2 of the Local Plan Part 2.

Issue (ii) Impact of the proposal on neighbouring occupiers (ACS Policies 10 and 14 and LAPP Policies HO4 and DE1)

- 7.3 The proposed sixteen self-contained single-person flats would provide safe short-term accommodation for residents, primarily as 'move-on' accommodation between homelessness and permanent accommodation. The applicants advise that residents stay in such accommodation for an average of six months. The communal areas on the ground floor would accommodate staff and provide space for one-to-one and group support and advice sessions with residents. This would be a managed facility staffed 24 hours. The intention of this type of facility is to encourage independence and to replace 'hostel' type accommodation. The applicant Framework is a charity providing housing, health, support, and care services across the East Midlands and South Yorkshire. Framework have a track record of managing facilities well and recent investigations by council officers into their current facility in the Arboretum has shown that it is well managed and not a significant source of concern to local Councillors or the Police. The design of the building places the entrance on Alfred Street North so that pedestrian access to and from the building would most likely to be to the west, along Alfred Street, to access city centre facilities, rather than to the east into the residential area of St Anns. It is not considered that the proposed use would compromise the amenity of

existing local residents to such a significant degree that planning permission should be refused as contrary to part b) of Policy HO4. The proposal is also in accordance with Policy HO4 part e) regarding satisfactory management arrangements in place to ensure amenity of nearby occupiers is maintained.

- 7.4 This type of facility needs to be in a location where residents can access a range of services and the application site is well located in this regard. It would be a purpose-built facility and is close to public transport routes on Mansfield Road. In this, the proposal would comply with Policy HO4 parts a) a satisfactory residential environment can be achieved for the benefit of the intended occupants and d) the site is accessible to public transport and other services.
- 7.5 Concern has been raised about the location of other hostel and supported accommodation in the area, and although some do exist (for different client groups) these are not in the immediate vicinity and the proximity is not dissimilar than would be expected in any edge of city location. This type of facility needs to be in a location where residents can access a range of services and the application site is well located in this regard. Due to the limited availability of sites, facilities of this nature are almost always located in the vicinity of other residential properties and it is in itself a residential use; the fact that this area contains other residential properties is not a reason to consider it inappropriate. Tackling homelessness is a high priority for the Council and Framework are a key partner providing commissioned services to clients with complex needs. The Council Plan contains a commitment to help homeless people get off the streets. Of the 407 commissioned bed spaces for homeless people in Nottingham citywide, only 17 are located in St Ann's in just seven properties. Framework in particular have 247 bed spaces of supported accommodation, only 4 of which are within St Ann's, in just two properties. The proposal thereby complies with Policy HO4 part c) the use would not result in over-concentration of similar uses in any one area leading to a material change in character.
- 7.6 Given the nature of the intended occupiers, it is unlikely that many residents of the flats would be car owners. This is a sustainable location close to facilities and to public transport routes, encouraging the use of sustainable transport by residents and staff. For a location this close to the city centre, there does not appear to be a substantial problem of on-street parking. The proposal, with a planning condition to ensure the provision of cycle spaces, is considered to be acceptable in terms of its likely impact on the highway network and parking conditions in the area.
- 7.7 The new building would be 1.5m higher than the neighbouring house on St Ann's Way and would be closer to that neighbouring than the existing public house. The windows in the facing side elevation of the house are understood to serve non-habitable rooms. The rear section of the new building would be set away from the boundary and contain obscurely glazed bathroom windows. The impact of the new building on number 78 St Ann's Way is therefore considered to be acceptable in terms of privacy, daylight, sunlight and outlook. The pub currently extends up to the boundary with the neighbouring house at the rear on Kilbourn Street. The roof of the new building would be approximately 0.8m lower than the existing ridge of the pub roof.
- 7.8 In conclusion, the proposal is considered to be acceptable in accordance with Policies 10 and 14 of the Aligned Core Strategies and Policies HO4, TR1 and DE1 of the Local Plan Part 2.

Issue (iii) Scale and Design (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.9 The proposed building is four storeys high on St Anns Way and the adjacent house is two storeys. The proposed building would at this point be set below pavement level by approximately 1m below pavement level at this point and the adjacent house is set higher due to the change in levels. The flat roof of the new building would therefore be 1.5m higher than the ridge of the house. On Alfred Street North, the proposed building is three storeys high and its roof would be 0.3m below the ridge of the neighbouring house on Kilbourn Street. It is considered acceptable for buildings on corners in this area to have a certain presence; this is the case with the community building to the north, the mill buildings to the west and the newer student accommodation on Kilbourn Street. The scale of the building is considered to be acceptable in design terms. The elevations repeat the contemporary quality that is represented by other recent developments on the opposite side of Kilbourn Street, with a simple fenestration pattern being enhanced by the use of larger sized window openings, with reveals and modest detailing. Breaks in the roofline are also provided to suit the gradient of the street. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

Issue (iv) Planning Obligations (LAPP Policies EN2 and IN4)

- 7.10 A policy compliant planning obligation for the proposed development would be expected to provide a contribution of £15,312 to enhance existing areas of open space, or else make provision for additional areas of open space within the locality.
- 7.11 A City Council Delegated Decision was made in December 2019 to allocate Section 106 affordable housing contributions, from the agreement linked to Woodhouse Park (planning ref. 13/01703/POUT), to grant fund Framework to provide new affordable housing. The applicant has submitted a viability appraisal which shows that the scheme would not be viable without the grant fund provided by the City Council because Framework do not undertake projects which have an internal rate of return below their borrowing rate of 4.5%.
- 7.12 The viability appraisal shows that the scheme would be able to support an open space contribution of £15,312 whilst retaining an internal rate of return above 4.5%. Nevertheless, the rate of return of 5.25% provided by the scheme is only marginally above the borrowing rate and substantially below the return that would be expected by a private developer. It is also the case that, as a charitable organisation, Framework do not seek to make a profit and that the viability appraisal does not include contingency figures. The grant of £500,000 provided by the City Council comprises Section 106 Affordable Housing funding and it is not considered appropriate to effectively require this money back via a planning obligation to be redirected to public open space.
- 7.13 It is considered that given its contribution to Council key objectives and its compliance with other Policies of the Local Plan, it is acceptable on balance that good reason exists to depart from policy IN4 and that no planning obligation be sought in respect of open space.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation

measures in order to comply with current Building Regulations. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the Aligned Core Strategies and Policy CC1 of the Local Plan Part 2. It is not considered that there are any biodiversity implications.

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

13.1 The proposal contributes to meeting Theme Three of Nottingham's Housing Strategy 2018-2021: the challenge of homelessness prevention and providing specialist and supported housing.

13.2 The proposal contributes to meeting key objective of the Nottingham City Council Plan 2019-2023: build or buy 1,000 Council or social homes for rent.

14 CRIME AND DISORDER ACT IMPLICATIONS

The proposed building will provide accommodation for the homeless, which will allow for better behaviour management; this should have a positive impact on Crime and Disorder, anti-social behaviour and fear of crime.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 19/02365/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZRI19LYJO100>

17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076

NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 19/02365/PFUL3 (PP-08231824)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
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Allan Joyce Architects Ltd
16-20 Bath Street
Nottingham
NG1 1DF

Date of decision:

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

Application No: 19/02365/PFUL3 (PP-08231824)
Application by: Framework Housing Association
Location: Shell For Mechanics Arms And Flat Over , Alfred Street North, Nottingham
Proposal: Erection of 16 supported living flats and associated management and training facilities following demolition of public house.

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

Time limit

1. The 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)

2. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) details of all external materials;
 - b) details of boundary railings;
 - c) details of a scheme for the sustainable urban drainage of the site, designed to reduce the surface water discharge rate/impermeable surfaces by 30%.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the site is satisfactory and to avoid flood risk in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies CC3 and DE1 of the Local Plan Part 2.



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Continued...

Pre-occupation conditions

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

3. A landscaping and planting scheme shall be provided for the development. In particular:
- a) no flat shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
 - b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the flats or the completion of the development whichever is the sooner; and
 - c) any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Local Plan Part 2.

4. No flat shall be occupied until the bin storage and cycle parking shown on the approved plans has been provided and the site has been enclosed in accordance with the approved details.

Reason: To ensure that the appearance of the site is satisfactory and in the interests of the living conditions of residents of the development and neighbouring occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan Part 2.

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 forms, drawings and other documents comprising the application as validated by the council on 22 October 2019.

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.



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: 19/02365/PFUL3 (PP-08231824)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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WARDS AFFECTED: Wollaton West (May 2019)

Item No:

PLANNING COMMITTEE
19th February 2020

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

110 Trowell Road, Nottingham, NG8 2DH

1 SUMMARY

Application No: 19/02746/PFUL3 for planning permission

Application by: Lidl GB Ltd.

Proposal: Demolition of covered walkway, extension to south west corner, external alterations to north, south and west elevations to form shopfronts for 8 units including Lidl, reconfiguration of car park and installation of bollards.

The application is brought to Committee because it is an application that has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 04 February 2020. An extension of time has been agreed with the applicant until 28 February 2020.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- 2.1 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 conditions to be delegated to the Director of Planning and Regeneration.

3 BACKGROUND & SITE

- 3.1 The site is located to the north of Trowell Road. The area of the site is approximately 2.1ha and comprises the former Waitrose foodstore, which was closed in November 2019.
- 3.2 In addition to the retail floorspace of the Waitrose, the building also formerly accommodated an ancillary post office and cafe. The Wollaton Farmer's Market utilises the southwest corner of the car park on the first Saturday of each month.
- 3.3 The large single storey supermarket building is sited to the east of the site, set back from the road with an enclosed service area to the south of the building. The vehicular access is directly off Trowell Road. The remainder of the site, mainly to the west, is laid out for car parking.

- 3.4 There are residential properties to the north and east of the site, as well as a vacant pub located to the eastern site boundary. Trowell Road is to the south, beyond which is a residential area, car garage and pet shop. To the west there is a railway line bordered by further trees, beyond which there are more residential properties.
- 3.5 There are trees along the northern and southern boundaries, with some additional trees inside the site. Trees along the southern boundary are protected, as are three trees within the service area. All protected trees and the majority of other trees would be retained.
- 3.6 The site is not located within a conservation area, nor is it in proximity to any listed buildings.

4 DETAILS OF THE PROPOSAL

- 4.1 The application relates to works associated with the re-use of the vacant Waitrose store by Lidl, including the provision of seven other retail units within the same building. The use of the former Waitrose unit by Lidl and the sub-division of the remainder of the floorspace to provide further retail units does not in itself require planning permission. The applicant has confirmed that the new units would operate within the same A1 (retail) use class, therefore no change of use would be involved.
- 4.2 The proposal would also include a small extension to southwest corner to provide 36sqm of new A1 floorspace. This extension would provide space for proposed Units 1 and 2; Unit 1 is to be occupied by the Post Office and Unit 2 by a local bakery. The applicant has confirmed that one of other new units would be occupied by a charity shop.
- 4.3 In summary, this application seeks planning permission for:
- Demolition of the covered walkway;
 - Extension to southwest corner to provide 36sqm of new A1 floorspace;
 - External works to south and west elevations to create new shopfronts;
 - Reconfiguration of the car park; and
 - Installation of bollards.
- 4.4 Whilst 7 additional retail units would be created there would be no external changes to the north and east elevations.
- 4.5 The proposal also includes the re-configuration of the car park to provide an increase of 16 car parking spaces (a total of 338 spaces). This includes 12 disabled parking spaces and the addition of 9 parent and child spaces (at present there are none).

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 Consultation letters were sent extensively to neighbouring properties, including re-consultation, with a final expiry date of 30 January 2020.
- 5.2 34 representations of objection have been received, raising the following issues:

- If the proposal include fast food takeaway then it would bring antisocial

behaviour to the local area

- Concern about hours of operation related to fast food takeaway
- Would prefer an upmarket supermarket like Waitrose and M&S rather than Lidl as there is a Lidl close by
- Concern about too many sub units
- Concern about noise during demolition and alteration
- Concern about operational noise from lorries and delivery drivers after midnight
- Lighting to the rear of the site caused issue in the past
- Concern about privacy
- Additional air conditioning and heating units would create additional noise
- Increased risk of crime within an area near to the shops
- Would increase traffic to the site and surrounding area
- Would prefer a traffic light controlled exit from the site
- Adverse visual impact
- Any additional takeaway would be detrimental for the area
- Lack of adequate information within the consultation letter
- New development would worsen traffic congestion in Torvill Drive
- Loss of Waitrose, post office and café for the local community, especially for the elderly and infirm
- No mention of use of the units and their opening hours
- Increase noise, litter and gathering of youths
- Concern about placing waste bins near to the houses
- Overdevelopment of the site, do not want to see it as a retail park
- No mention of advertisement signs
- The risk of accidents will undoubtedly increase

5.3 5 representations of support have been received. They support the development as it would deliver many benefits including new jobs and greater convenience for those living close by. They also consider that the proposals would ensure that a key local site that has been disused would again play an important commercial role in the future of the area.

5.4 Notts Farmers Market Traders Association - Have held a farmers market on this site for many years (began when it was owned by the Co-op). Feel that the plans that Lidl have for this site will be of great benefit to the local community. Having several smaller units as well as their main store will offer locals a wider choice of retail opportunities. Also consider that it will benefit the farmers market as it won't be competition but compliment it. Believe that the proposals will offer employment opportunities for a wide range of people and will be of benefit to the local community.

5.5 Councillor Cate Woodward - Contacted by local residents regarding this application as she understands the original consultation letter did not mention the 7 additional retail units; the units are only apparent from viewing the actual plans on the website. As a result, the description has be revised and further public consultation carried out.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection subject to conditions relating to an environmental noise assessment and sound insulation scheme,

provision of electric vehicle charging points and restriction on operation, servicing and delivery times.

Highways: No objection subject to submission of a construction traffic management plan, provision of adequate cycle and disabled parking space and provision of Electric Vehicle charging points.

Tree Officer: No objection.

Lead Local Flood Authority: No objection. It is recommended that the small areas of landscaping to be removed be compensated for with green space/planters added elsewhere, as these would provide ecological benefits as well as absorb rainfall, removing some volume from the drainage system.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (February 2019)

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.

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.

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.

Aligned Core Strategy (ACS) (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

Land and Planning Policies Document (LAPP) (January 2020):

Policy CC1 - Sustainable Design and Construction
Policy CC3 - Water
Policy SH7 - Centres of Neighbourhood Importance (CONIs)
Policy DE1 - Building Design and Use
Policy DE2 - Context and Place Making
Policy DE4 - Shopfronts

Policy TR1 - Parking and Travel Planning

Policy TR3 - Cycling

Policy EN7 – Trees

7. APPRAISAL OF PROPOSED DEVELOPMENT

i) Principle of the Development (Policies A, 4 and 6 of the ACS; Policy SH7 of the LAPP)

- 7.1 This large supermarket site and has been vacant since 2019. Its reuse for continued retail purposes is welcomed and supported by the national and local planning policy.
- 7.2 The site is designated as a Centre of Neighbourhood Importance (CONIs) in the LAPP. Policy SH7 of the LAPP states that planning permission for development in CONIs will be granted where both the retail function and the local character of the CONI are not undermined, and its vitality and viability are maintained or enhanced. Although the additional units would be largely within the envelope of the existing building (a total of 8 including Lidl), as suggested by the views of the Notts Farmers Market Traders Association, it is felt that these smaller units alongside the main store would offer a wider choice of retail opportunities and indeed, would enhance the centre's vitality and viability.
- 7.3 The proposed development would bring a neighbourhood centre that serves a large local residential population back into an economic use, creating 70 jobs in a range of full and part time roles and leading to direct and indirect benefits to the local community and economy. The principle of the development is therefore considered to be acceptable.

ii) Layout, design and appearance of the proposed development (Policy 10 of the ACS; Policies DE1, DE2 and DE4 of the LAPP; the Shopfront Design Guide)

- 7.4 The proposed new shop fronts are primarily on the west elevation, facing the main car park. These would create an attractive frontage where there is presently a long blank elevation. Each opening is to be largely curtain wall glazing, incorporating an extended frontage for the Lidl store alongside the new units. The proposed shopfronts would enhance the existing character and appearance of the building.
- 7.5 The revised car parking layout and new bollards would create an improved, more efficient car parking layout while retaining pedestrian routes through the car park and cycle parking. The proposed demolition of the covered walkway would increase visibility across the site and help to open up the west elevation as an integral part of this neighbourhood centre.
- 7.6 The slight increase to the overall footprint of the building is appropriate within this established retail centre.
- 7.7 Overall it is considered that the proposal would revitalise the site and building, creating a more attractive retail destination for the local community in accordance with Policy 10 of the ACS and Policies DE1, DE2 and DE4 of the LAPP.

(iii) Impact on Residential Amenity (Policy 10 of the ACS; Policy DE1 of the LAPP)

- 7.8 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, privacy, visual impact, lighting, anti-social behaviour, location of the waste bins and hours of operation/deliveries. It should be noted that a number of letters received are also in support of this proposal.
- 7.9 The nearest residential properties back onto the north and east boundaries of the site of the site, which have substantial boundary enclosures. There is a concern that the units on this side of the building would introduce more activity in this part of the site, to the detriment of these neighbouring properties. This area has always been part of the car park and this situation will remain unchanged. Furthermore, the two units at this part of the site are not shown with any shop fronts, so there is to be little change to the north and east elevations. Whilst the proposals may result in some increased pedestrian activity in this part of the site, this would be a positive from the perspective of natural surveillance and designing out crime and it is not felt that this would be at a level to result in a meaningful change over and above the current situation regarding the neighbours amenities.
- 7.10 The service yard to the south of the building is to be retained for servicing to Lidl, who would receive only two deliveries a day. All the other smaller units would be serviced via the car park but these units would require very minimum servicing and delivery. The applicant proposes that the hours of opening would be in line with the former Waitrose store (0800 – 2200 Monday to Saturday and 1000 -1700 Sundays). Deliveries would take place no earlier than an hour before the opening and no later than an hour after closing.
- 7.11 Environmental Health have considered the issue of noise from the development and recommended that the movement of vehicles for delivery to, or refuse removal from, units 3 to 7 at the northern end of the building (and the adjacent bin store) should be restricted to between 08.00 until 20.00. The proposed arrangements for the Lidl service yard and new units on the southern side of the building are considered to be acceptable given both a greater separation distance from the nearest neighbouring residential properties and the shielding offered by the building itself. These restrictions can be secured through condition.
- 7.12 To address the concerns of the nearby residents regarding noise and odour, the refuse area has been relocated to the rear of the building (eastern side) away from the residential properties.
- 7.13 A few local residents have raised concerns about anti-social behaviour should there be any fast food takeaways within the new units. It should be noted that the proposals currently does not involve any fast food takeaways (A5 use class), for which separate planning permission would be required.
- 7.14 Environmental Health have also considered the other amenity and pollution related issues and raised no objection subject to conditions to secure an Environmental Noise Assessment and Sound Insulation Scheme. It should also be noted that no new lighting is proposed.
- 7.15 The proposal therefore complies with the requirements of policy 10 of the ACS and Policy DE1 of the LAPP.

(iv) Highways and Access (Policies 10 and 14 of the ACS; Policies DE1, TR1 and TR3 of the LAPP)

- 7.16 Concerns have been raised by the local residents regarding potential impacts generated by the traffic movements to and from this development.
- 7.17 The proposal includes revisions to the car park comprising an increase of 16 parking spaces, to create a total of 338 spaces. This includes 12 disabled parking spaces, and the addition of nine parent and child spaces (at present there are none). The addition of new and replacement bollards, as well as zebra crossings throughout the site, would create a number of safe pathways for pedestrians to travel from Trowell Road and from the car park to the retail units.
- 7.18 Highways have assessed the proposals and are satisfied with the access arrangements and level of parking provision. They consider that the impact of the development on traffic flows and road safety would be acceptable. However they recommended that there should be minimum 18 disabled parking spaces, which can be secured through condition.
- 7.19 Highways also recommend a greater number of cycle parking spaces, to meet the Council's cycle parking standard. A condition can be attached to secure the required number (a minimum of 16 spaces) from the scheme.
- 7.20. The LAPP encourages the provision of electric vehicle charging infrastructure within new development. In this instance there is no change in use and the amount of floorspace would be only marginally increased. However, the applicants have agreed to provide a double fast Electric Vehicle Charging Point within the site, to serve two car parking spaces. This would be secured through a suitably worded condition.
- 7.21 Subject to the conditions requested by Highways, the development is considered to accord with Policy 10 and 14 of the ACS and policies DE1, TR1 and TR3 of the LAPP in this regard.

(v) Landscaping and Trees (Policy 17 of the ACS; Policy EN7 of the LAPP)

- 7.22 All protected trees within the site are to be retained and the majority of landscaping would also be retained. To the centre of the car park and adjacent to the covered walkway that is to be demolished, three trees, which are not protected, and a small area of landscaping are to be removed. This is to enable the reconfiguration of the car park to provide a more organised, efficient and pedestrian friendly layout. A condition is proposed to seek appropriate replacements.
- 7.23 All other retained landscaping and trees are to be pruned and maintained, including adjacent to the service yard where the mature trees are to be cut back so as not to encroach into the pathway of delivery vehicles.
- 7.24 Subject to a condition regarding the replacement trees, the proposal would accord with policy 17 of the ACS and policy EN7 of the LAPP.

8. SUSTAINABILITY (Policy 1 of the ACS; Policies CC1 and CC3 of the LAPP)

- 8.1 The new build element of the scheme is limited to a 36m² extension. However, Lidl advise that they are committed to deliver as sustainable a development as possible. It tends to have energy demands well below the UK benchmark for retail uses, a reflection of their low cost business model which seeks to minimise costs at all stages.
- 8.2 The design and layout of their stores is to a standard which would enable energy efficiencies to be achieved, including the use of motion sensors and intelligent energy-conserving lighting systems. They also use energy saving refrigeration units and water-efficient technologies within their buildings.
- 8.3 Lidl have invested heavily in reducing the distance travelled by products, including buying from British farmers and retailers and working with logistic partners to carefully plan the most efficient routes for vehicles. All vehicles are loaded as close to capacity as possible to minimise the number of required trips. HGVs delivering goods to store also take waste away from the site, thus reducing the number of vehicles entering and leaving each site.
- 8.4 In the first instance however, Lidl seek to reduce their waste by re-using where possible and recycling waste. Lidl's ambition is to achieve zero waste to landfill, at present over 98% of mixed waste is either recycled or recovered.

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

The proposed development would be designed to be compliant with current building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors suitable for wheel chair users.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a brownfield site with a sustainable development.

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

14 CRIME AND DISORDER ACT IMPLICATIONS

The development would provide a retail development with good natural surveillance.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 19/02746/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

Aligned Core Strategies (September 2014)
Land and Planning Policies Document (January 2020)
Shopfront Design Guide Supplementary Planning Guidance

Contact Officer:

Mr Mohammad Taufiqul-Islam, Case Officer, Development Management.

Email: Mohammad.Taufiqul-Islam @nottinghamcity.gov.uk Telephone: 0115 8764044

NOMAD printed map



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Key
 City Boundary

Description
No description provided

My Ref: 19/02746/PFUL3 (PP-08338786)
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
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WSP Indigo Miss Julie White
WSP Indigo
Toronto Square
Toronto Street
Leeds
LS1 2HJ

Date of decision:

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

Application No: 19/02746/PFUL3 (PP-08338786)
Application by: Lidl GB Ltd C/o WSP Indigo -
Location: 110 Trowell Road, Nottingham, NG8 2DH
Proposal: Demolition of covered walkway, extension to south west corner, external alterations to north, south and west elevations to form shopfronts for 8 units including Lidl, reconfiguration of car park and installation of bollards.

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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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 and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies TR1 of the LAPP.

3. Prior to the commencement of the development, 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 sound insulation 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 DE1 of the LAPP.

Pre-occupation conditions

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

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

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

5. 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 16 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, 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.



6. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for 18 disabled parking spaces, in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The disable parking area shall not thereafter be used for any purpose other.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site, to provide adequate access for those with disabilities in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policy DE1 of the LAPP.

7. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for 1x Electric Vehicle rapid charging point to service 2x parking bays, 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 DE1 of the LAPP.

8. a) No part of the development shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all replacement trees and shrubs has been submitted to and approved in writing by the Local Planning Authority, including replacements for the trees to be removed on a two for one basis, and the approved landscaping scheme shall be carried out in the first planting and seeding seasons following its occupation;
b) Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of the development; 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; and
c) No part of the site included in the landscaping scheme shall be used for any other purpose without the prior written consent of the Local Planning Authority.

Reason: To ensure that the loss of existing trees be mitigated by new planting and landscaping in accordance with Policy EN7 of the LAPP.

Regulatory/ongoing conditions

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

9. The retail units within the site shall not be operated outside of the following hours:
- o 08:00 - 22:00 Monday to Saturday
 - o 10:00 - 17:00 on Sunday

Reason: To protect the amenities of neighbouring residential in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.



10. The movement of vehicles for delivery, servicing and refuse removal shall not be carried out outside of the following hours:

Lidl, Unit 1 and Unit 2

- o 07:00 - 23:00 Monday to Saturday
- o 09:00 - 18:00 on Sunday

Unit 3 to 7

- o 08:00 - 22:00 Monday to Saturday
- o 10:00 - 17:00 on Sunday

Reason: To protect the amenities of neighbouring residential in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the LAPP.

11. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiry of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the local planning authority.

Reason: To ensure that existing trees are safeguarded during construction and operation in accordance with Policy EN7 of the LAPP.

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 10 December 2019.

Reason: To determine the scope of this permission.

Informatives

1. 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.

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2. Planning consent is not consent to work on the highway. To carry out off site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

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

4. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Network Management. 0115 876 5238 or email Highway.Agreements@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

5. It is recommended that the small areas of landscaping proposed to be removed, are compensated for and green space/planters are added elsewhere as these would provide ecological benefits as well as absorbing rainfall, removing some volume from the drainage system.

6. 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.

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: 19/02746/PFUL3 (PP-08338786)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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