

Report of Director of Planning and Transport

The Boots Co Plc, Thane Road

1 Summary

Application No:	21/01729/PRES4
Application by:	GraceMachin Planning & Property on behalf of Ilke Homes Land Limited
Proposal:	Application for the approval of reserved matters (access, landscaping, layout, scale, appearance) - 207 no. dwellings with associated access, car parking, public open space and landscaping

The application is brought to Committee because it is a major application on a prominent site.

To meet the Council's Performance Targets this application should have been determined by 3rd November 2021, an extension of time has been agreed with the applicant until 30 November 2022.

2 Recommendation

To **GRANT RESERVED MATTERS APPROVAL** subject to the indicative conditions listed in the draft decision notice at the end of this report.

3 Site and Background

- 3.1 This reserved matters submission relates to a 17.6 hectare site which crosses the boundary between Nottingham City and Broxtowe Borough. It is set within the Alliance Boots campus and is the 'residential quarter' of the wider site redevelopment. It is located in the south/southwest area of the campus and borders the Beeston Canal to the south.
- 3.2 To the west of the site, within Broxtowe Borough, is the currently operational Severn Trent Water sewage treatment works and a Nottinghamshire County Council administered waste and recycling site. To the south, beyond the Canal, are agricultural fields and Nottingham University playing fields, with the River Trent beyond. To the east, within Nottingham City, is an industrial estate and to the north is the remainder of the Boots campus, with the Midland mainline beyond. In 2021 a new link road was opened through the site connecting Humber Road South in Beeston to Thane Road in Lenton.
- 3.3 Within the LAPP the site is part of a mixed-used development allocation. It is also within an Enterprise Zone (a Government-awarded status to encourage the creation of new businesses which will contribute to the growth of local and national economies) and Flood Zones 2 and 3.

Planning History

- 3.4 Outline planning permission was conditionally approved at a Planning Committee meeting on 17 December 2014 for a mixed-use development comprising:
- up to 82,000sqm of employment floorspace (office units (Class E), research and development (Class E), industrial process (Class E), general industrial (Class B2), storage and distribution (Class B8))
 - residential institutions (Class C2)
 - non-residential institutions (Classes E & F.1)
 - up to 2,500sqm retail & food/drink (Class E & sui generis)
 - up to 675 residential units (Class C3)
 - associated works including demolition of existing structures, earthworks, remediation, access, car parking, pedestrian and cycle routes, open space, utilities, and sustainable drainage systems.
- 3.5 Following lengthy negotiations regarding the S106, the permission was finally issued on 19 July 2021 (reference 14/02038/POUT).

4 Details of the Proposal

- 4.1 This application is for the approval of the 'reserved matters' for the residential phase of the outline permission; essentially the outstanding details associated with the access, layout, scale, appearance and landscaping of the development. Within Nottingham City the scheme comprises 207 dwellings (96 houses and 111 apartments) and associated public open space.
- 4.2 A corresponding 'reserved matters' application has been submitted to Broxtowe Borough Council for the 397 dwellings within their administrative area (reference 21/00672/REM). In total, 604 dwellings are proposed across the entire site.
- 4.3 All of the proposed dwellings, both the apartments and houses, are to be delivered by way of modular, off-site construction.
- 4.4 An application has also been submitted to discharge a number of other non-RM conditions associated with the outline permission (reference 21/01748/PDS4). This relates to conditions 5 (gas contamination), 6 (ground contamination), 8 (noise & sound insulation), 11 (flood risk assessment addendum), 12 (parcel flood risk assessment), 13 (drainage strategy), 14 (drainage system), 15 (green infrastructure), 16 (construction environmental management plan), 18 (ecological mitigation strategy), 19 (trees), 20 (reptile survey), 21 (great crested newts), 22 (energy/sustainability), 23 (hard surface treatment), 30 (public open space design), 31 (public landscaping), 33 (means of enclosure), 36 (parking), 37 (refuse/cycle facilities) and 38 (bat/bird boxes). This submission of largely technical information is being assessed alongside the RM application but is to be determined separately, under delegated powers. Once again, a corresponding submission has been made to Broxtowe Borough Council (reference 21/00670/ROC).

5 Consultations and Observations of Other Officers

Adjoining occupiers consulted:

28 neighbouring properties have been notified individually, primarily units at The

Medway industrial estate and other industrial units to the east of the site.

The application has also been publicised through press and site notice.

Two responses have been received to the consultation.

One response states there is no public transport to the industrial estate and staff have to commute by private car. Current traffic leaving Boots in the late afternoon rush hour means it can take up to an hour to travel the 1 mile to the ring road. 216 homes will only add to this. What are the plans to improve public transport before adding to the already crippling congestion?

The second response is from the 'Pedals: Nottingham Cycling Campaign': The proposal does not give any details of proposed cycle connections. Not clear whether the linear park along the canal frontage is to be shared or not. The path is an important link, not just making the development more permeable, but as a connection to the east and west. Should also be lit in the interests of safety of path users after dark and in poor weather.

To the west the path will connect to the existing public footpath and the footbridge across the Canal which is a useful link for cyclists. It would be useful to upgrade it to shared use (perhaps by using developer contributions). Two main north-south green routes should also contain shared paths.

Paths should be constructed from an all-weather surface suitable for people cycling, walking and wheeling to use. The Thane Road extension (Spine Road) does not contain a segregated cycle path and footways. With this proposal the opportunity should be taken to upgrade the layout.

The wooden boardwalk around the pond has an awkward layout and more links to the path could be added. In all locations where two roads meet there should be bollards to allow people to walk and cycle through, rather than fences.

As there would be a large number of driveways meeting the spine road, there should not be a lot of up and down lumps and this should be kept level.

Pleased every house will have cycle storage, but only shows enough space for one adult bike (no cargo bikes or tandems). Good cycle storage also needs to allow space to store related equipment such as panniers and helmets.

Environmental Health: No comments received.

Drainage: Will comment specifically on the relevant conditions as part of the discharge of condition application (21/01748/PDS4).

Biodiversity: No comments received.

Highways: No objection. Conditions are recommended in relation to a construction management plan; access design (to be a pedestrian priority); redundant footway crossings and altered areas of footway to be reinstated; minimum sizes for vehicle parking spaces; cycle parking; the provision of electric vehicle charging points, refuse collection, travel packs for each dwelling and changes to the public right of way.

The Nottingham Local Access Forum: The proposal does not give any details of the proposed cycle connections and certain pedestrian connections. Not clear whether the linear park along the canal is to be a shared path (for pedestrians and cyclists) or not. Existing footpath to the west, and the footbridge across the Canal, connects to the well-used towpath on the south of the Canal. Would be useful to upgrade it to shared use. Eastern end it is not clear where the canal side path connects with Thane Road.

The two main north-south green routes should also contain shared paths.

Disappointing that the new spine road did not reflect the most recent DfT Cycle Infrastructure Design Standards by including segregated cycle paths and footways (rather than unsegregated shared paths) alongside the new road and cycle priority at junctions. With these development proposals, and a series of new minor road junctions, the opportunity should now be taken to upgrade their layouts to reflect the latest DfT guidance.

6 Relevant Policies and Guidance

National Planning Policy Framework (July 2021) (NPPF)

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 economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the 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.

Making effective use of land: Paragraphs 119-125 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Achieving well-designed places: Paragraphs 126-136 are focused on achieving the creation of high quality buildings and places. Paragraph 126 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 130 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 2: Spatial Strategy

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Land and Planning Policies (LAPP) (2020)

Policy EE3: Change of Use to Non-Employment Uses

Policy RE1: Facilitating Regeneration

Policy HO1: Housing Mix

Policy HO4: Specialist and Adaptable Housing

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy TR1: Parking and Travel Planning

Policy EN2: Open Space in New Development

Policy EN5: Development adjacent to Waterways

Policy EN7: Trees

Policy IN2: Land Contamination, Instability and Pollution

Policy SA1: Site allocations (SR45)

Supplementary Planning Policy Documents:

Biodiversity February 2020

The Provision of Open Space in New Residential and Commercial Development
November 2019

7 Appraisal of Proposed Development

Main Issues

(i) Principle

(ii) Access, Layout and Scale

(iii) Appearance and Landscaping

(i) Principle (Policies A, 2, 7, 8 and 14 of the ACS, Policies EE3, RE1, and SA1 of the LAPP)

- 7.1 The principle of residential development has been established with the outline planning permission and this application concerns the details (or 'Reserved Matters') of the scheme, which include proposals for access, layout, scale, appearance and landscaping.

(ii) Access, Layout and Scale (Policies 8, 10 and 14 of the ACS and Policies HO1, HO4, DE1, DE2, TR1, EN2, EN5, EN7 and IN2 of the LAPP)

- 7.2 The proposed layout has been the subject of extensive negotiation and amendment in order to create a sense of place and attractive environment for future residents. The site is arranged around the link road completed in 2021 with secondary streets accessed from this. There is a cluster of 3 x

four-storey apartment buildings towards the eastern entrance to the site and another four-storey apartment building towards the west of the Nottingham City part of the site, and the centre of the residential development as a whole. In both scale and design these reference the historic industrial buildings within the wider Boots campus but elsewhere, the development comprises two and three storey houses which would create a predominantly suburban scale.

- 7.3 The properties to the south of the site are arranged to face the canal and the linear park created alongside the canal, which also contains the bulk of existing trees on the site that are to be retained.
- 7.4 The site proposes a mixture of two, three and four bed houses and one and two bed apartments. The majority of the houses are three bed dwellings with a double bedroom and two single bedrooms. The majority of the apartments have two bedrooms. It is therefore considered the proposed scheme would provide a balanced mix and size of dwelling types to meet the future housing needs.
- 7.5 Some of the proposed floorplans show double beds within bedrooms too small to be considered as such according to the Nationally Described Space Standards (NDSS). In these instances, these have been assessed as single bedrooms.
- 7.6 Two house types (a total of 52 dwellings) are 3sqm (3.5%) smaller than the NDSS. On balance, this is within an acceptable margin of tolerance and due to the technical constraints of modular design, and also recognising the sustainability benefits, it is considered that these units would provide future occupiers with an acceptable standard of amenity. The requirement for 10% of the homes to be provided to 'Accessible and Adaptable' standards in accordance with condition HO4 is to be addressed by condition.
- 7.7 Each house would have their own garden and some of the apartments would have balconies.
- 7.8 The one and two bed apartments and two bed houses would each have 1 parking space and the three and four bed houses would have 2 parking spaces. Across the whole development, 17 visitor bays have also been provided. In general terms, many changes have been made to the layout to ensure that the houses are provided with 'on-plot' parking that is directly related to the fronts/sides of the houses, whilst also avoiding long runs of parking spaces that are not broken up with front gardens/landscaping.
- 7.9 Apartment blocks have secure communal cycle stores with 1 cycle space provide per apartment. Houses are provided with sheds within rear gardens for cycle storage.
- 7.10 In terms of refuse storage, hard standing is provided for up to three 240L wheelie bins per house to accommodate refuse, recycling and garden waste. All houses have access to rear gardens via private driveways to enable bins to be brought to the roadside on collection days. Refuse provision for apartments is through communal refuse stores and the number of bins per apartment block is based on 1100L refuse and 1100L mixed recycling per six apartments.

- 7.11 The proposed properties within Nottingham City's administrative boundary are not located in close proximity to existing residential properties. The interface with the existing industrial area of the campus has been appropriately addressed to ensure that there would not be an adverse impact on the amenities of future residents.
- 7.12 Highways have raised no objection subject to conditions but these matters are already covered with the other conditions of the outline permission, for which there is an accompanying discharge of condition submission.
- 7.13 In conclusion, it is considered that the proposals for access, scale and layout are well considered and would result in an attractive environment for future occupants with its own distinct character. The proposal therefore accords with policies 8, 10 and 14 of the ACS and policies HO1, HO4, DE1, DE2, TR1, EN2, EN5, EN7 and IN2 of the LAPP.

(iii) Appearance and Landscaping (Policy 10 of the ACS and Policies DE1, DE2, EN2 and EN7 of the LAPP)

- 7.14 The three apartment buildings to the east are to be grouped around a central parking area and communal courtyard, including an attenuation pond. They are four storey blocks inspired by the existing modernist buildings on the Boots campus. Balconies are proposed to the key canal and avenue frontages. The modernist features are echoed in the proposed materials which include blue and white banding above a dark grey plinth, and profiled corner features. The brickwork for the entire development is to be delivered with a brick-slip system and white/blue bricks for the apartment buildings are to have a glazed, ceramic finish.
- 7.15 The houses are a mix of two and three storey dwellings largely finished in red brick with some also having white render to their first floors. White and blue bricks are again used to provide accent detailing. Two of the house types (one two storey, the other three) have a flat roof and white/blue banding to their top floors, echoing the design of the apartments. These are located at key focal points which are situated within the Broxtowe part of the development.
- 7.16 The existing link road will form the primary vehicular route through the site and is to be planted with semi-mature trees in the style of a traditional avenue with an adopted verge to the back of the footway. The houses fronting the avenue each have a 1100mm high railing and hedge as their front boundary enclosures.
- 7.17 All houses along secondary streets are two storeys in height with a mixture of eaves and gables to the street frontages. All houses have parking accessed directly from the street frontage. Low level shrub planting and medium sized trees are to be provided along the secondary streets.
- 7.18 In regards to landscaping, trees will be retained along the canal and small trees are proposed within the front gardens of some properties.
- 7.19 Finer details of the public open space and amenity landscaping are submitted as part of accompanying discharge of condition application. The canal side park is to incorporate two LEAPs (Local Equipment Area for Play) and a NEAP (Neighbourhood Equipped Area of Play). The canal park also contains attenuation ponds with an element of standing water and board-walk edges.

7.20 In terms of public open space, based on the standard of 6m² per bed space, the total open space requirement for this development is 12,146m². The total actually to be provided is 15,241m².

7.21 The proposal therefore accords with policy 10 of the ACS and policies DE1, DE2 and EN2 and EN7 of the LAPP.

8 Financial Implications

None.

9 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.

10 Equality and Diversity Implications

None.

11 Risk Management Issues

None.

12 Strategic Priorities

Contribution towards the provision of family housing, encouraging families to stay within the boundaries of the city.

13 Crime and Disorder Act Implications

None.

14 Value for money

None.

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

1. Application No: 21/01729/PRES4 – link to online case file

<https://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QXAWSNLYN1300>

16 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2021)

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Key
City Boundary

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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR APPROVAL OF RESERVED MATTERS**

Application No: 21/01729/PRES4 (PP-10090068)
Application by: Emily Christie
Location: The Boots Co Plc , Thane Road, Nottingham
Proposal: Application for the approval of reserved matters (access, landscaping, layout, scale, appearance) - 207 no. dwellings with associated access, car parking, public open space and landscaping

Nottingham City Council as Local Planning Authority hereby **APPROVES** the reserved matters described in the above application subject to the following conditions:-

Pre-commencement conditions

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

1. No above ground development shall be commenced until details of an 'Accessible and Adaptable' dwelling scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved scheme.

Reason: In the interests of providing inclusive and mixed communities and in accordance with Policy 10 of the ACS and Policy HO4 of the LAPP

Pre-occupation conditions

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

There are no conditions in this section.

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



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Not for issue

Continued...

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents: Other reference Document and Drawing Register Issue Sheet, received 11 October 2022

Reason: To determine the scope of this permission.

Informatives

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



DRAFT ONLY
Not for issue

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RIGHTS OF APPEAL

Application No: 21/01729/PRES4 (PP-10090068)

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.