

My Ref: 18/00326/PFUL3 (PP-06735795)
Your Ref:
Contact: Mrs Jo Bates
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Welham Architects
FAO Mr Clive Welham
52 Normanton Lane
Keyworth
NG12 5HA

Date of decision: 1 May 2018

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

Application No: 18/00326/PFUL3 (PP-06735795)
Application by: MS Estates
Location: 3 Park Street, Nottingham, NG7 1RR
Proposal: Change of Use from Class 'A1 Shops' to 'A2 Financial and Professional Services'

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. <i>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.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
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



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 19 February 2018.

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 officer's delegated report, enclosed herewith and forming part of this decision.

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

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.



Paul Seddon
Chief Planner



RIGHTS OF APPEAL

Application No: 18/00326/PFUL3 (PP-06735795)

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.



DECISION NOTICE APPENDIX: DELEGATED REPORT

This report sets out the reason for the decision, taken by officers under the terms of the Council's Scheme of Delegations, and includes a summary of relevant planning policies.

LIST OF RELEVANT POLICIES

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities. Seeks to ensure that all new development contributes to the creation and maintenance of sustainable communities, particularly by the provision of a balanced mix of housing size, type and affordability, particularly promoting housing for families with children and appropriate dwellings which allow older and disabled people to stay in their local community. The policy encourages appropriate mixed use development in appropriate locations, developments which strengthen the economic base of the City and provide local employment opportunities, especially for disadvantaged communities, and promotes the use of previously developed land wherever possible. Development should minimise adverse impacts whilst maximising benefits to the local and wider community.

S4 - Retail Development, Town/Local Centres. Seeks to encourage retail development subject to it maintaining the compactness of the area for shoppers, and whether the proposed development is compatible with the Centre, reinforces the range of facilities and improves the environment, including appearance and disabled access.

National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.

Aligned Core Strategy

Policy A: Presumption in Favour of Sustainable Development

Policy 6: Role of Town and Local Centres

Policy 10: Design and Enhancing Local Identity

SUMMARY OF RESPONSES TO CONSULTATION

18 neighbours were notified and a site notice was posted (final expiry 2.04.18)

6 emails have been received from members of the public, Lenton Centre and the vicar of the Trinity and the Priory Churches based at Church Street in Lenton. They have written in support of the application.

MS Estates have been in Lenton for a number of years and feel that they provide a quality and professional service. They have been used to act for a number of local residents and the church. They have been a long standing supporter of the Lenton Centre and its community initiatives in terms of charitable donations but also involvement in community initiatives. The Lenton Centre in



particular commented that the area has a high student population and consider that the support the applicant contributes to community activities helps brings the community together.

Environmental Health and Safer Places: No objections.

APPRAISAL

SITE

This is the site of the former Lenton Flats Estate, located in the area to the south of Derby Road and to the north of Church Street, Lenton.

Planning permission was granted in May 2013 (planning ref:13/00792/PFUL3) for the redevelopment of the estate to provide 142 affordable homes comprising 54 flats for independent living, 16 bungalows, 62 two and three bed houses and 10 one and two bed apartments with associated on-site ancillary community facilities, parking and landscaping. An application to vary the scheme (14/03054/PVAR3) was approved in October 2015. The varied planning permission has now been implemented.

As part of the development two gateway blocks have been constructed either side of the main entrance to the development from Derby Road. Each block comprise of non residential space on the ground floor with apartments on the two upper floors. The blocks frame the new public space adjacent to Derby Road and include non-residential space on the ground floor with potential uses such as a café, offices or community enterprises to help to enliven the square.

Both the original and varied planning permission was subject to the following condition:

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any re-enactment thereof, the units shall not be used other than for purposes defined in Classes A1, A3, B1 and D1 of The Town and Country Planning (Use Classes) Order 1987, as amended or any re-enactment thereof."

This condition was aimed to restrict the use of the unit as Class A2 uses (professional services) without the benefit of planning permission.

This application relates to the ground floor commercial space in Gateway block C. This block is located on the eastern side of the main entrance from Derby Road and adjoins the Sainsburys retail shop. The ground floor is approximately 92sqm.

PROPOSAL

The use of the ground floor commercial unit as a Class A2 use.

APPRAISAL

This commercial unit has been actively marketed by Nottingham City Homes but no interest has been received for its occupation by an A1, A3, B1 or D1 operators.

Its use for Class A2 use would still provide occupation by a commercial operator and would provide a long term let for the unit. Class A2 uses are professional services, which contribute towards the vitality and viability of local centres. A Class A2 use by their nature would not have an adverse impact on the occupants of the apartments to the upper floors.

The proposal would accord with Policies A, 6 and 10 of the Aligned Core Strategy and Policy ST1 and S4 of the Local Plan.



OTHER MATTERS



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