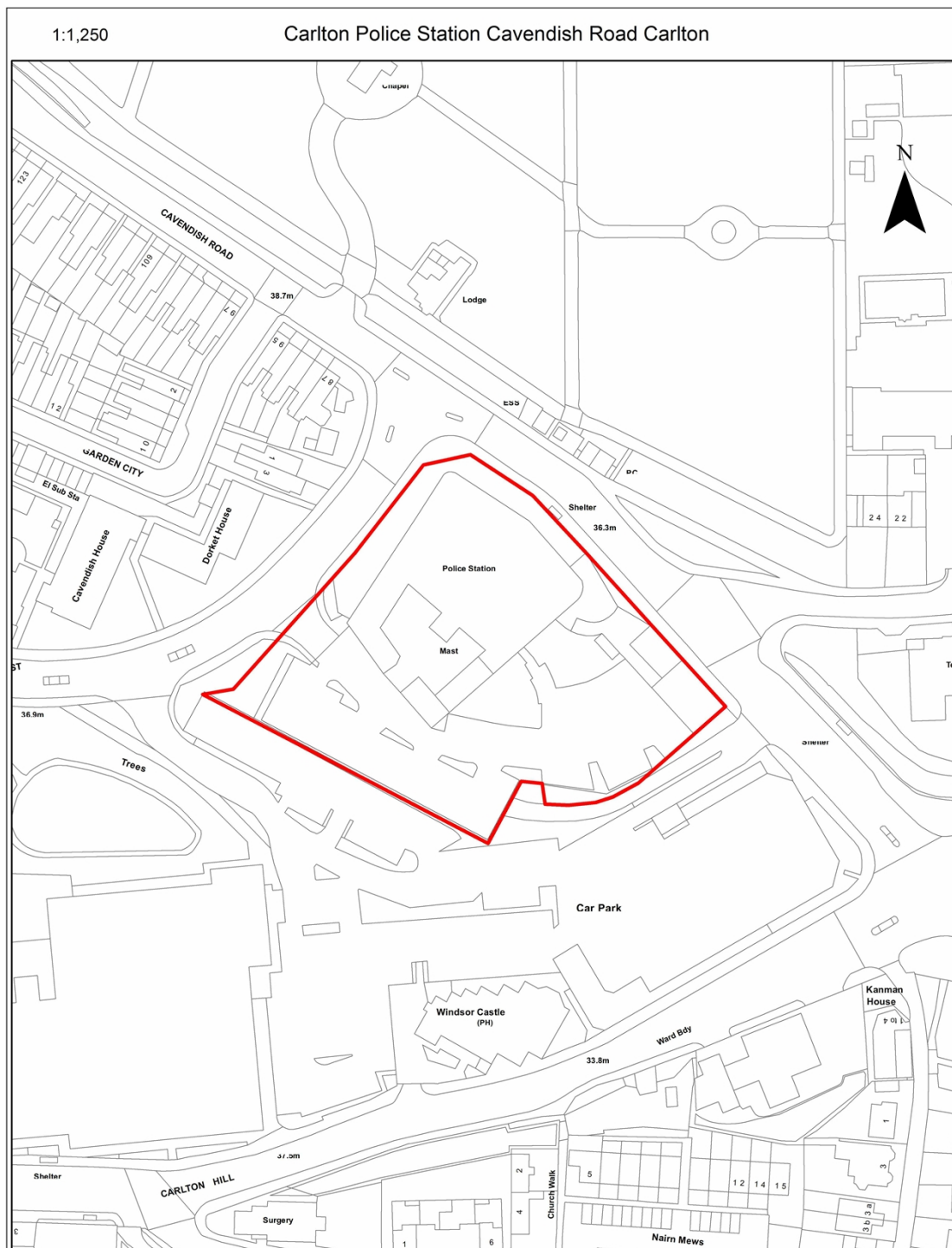


Planning Report for 2019/0735



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Report to Planning Committee

Application Number:	2019/0735
Location:	Carlton Police Station Cavendish Road, Carlton
Proposal:	Section 73 application to vary condition 6 - levels of planning permission 2018/0549 - amendments to finished floor levels.
Applicant:	Tameway (Midlands) Ltd.
Agent:	Terry Malpass Associates
Case Officer:	Paula Daley

This application has been referred to Planning Committee to accord with the Constitution as a deed of variation amending an existing Section 106 Agreement is required.

1.0 Site Description

- 1.1 The site is the former Carlton Police Station which is now vacant. The main building on the site is located on the corner of Foxhill Road East and Cavendish Road with frontages on to both roads. An extensive hard surfaced car parking area is located to the rear and side of the building.
- 1.2 The site shares boundaries to the south with the Tesco store and its associated car parking areas and to the north-east and north-west with the public highway. The surrounding area is characterised by a mixture of uses including retail, residential and commercial.
- 1.3 The site is located within the Carlton Square Local Centre and partially within Flood Risk Zones 2 and 3.

2.0 Relevant Planning History

- 2.1 On the 29th March 2019 Conditional Permission was granted for the “Conversion of former police station into 42 apartments including external alterations, erection of a three storey block of 24 apartments, erection of a three storey office block (B1 use) and reconfigured car parking”, application reference 2018/0549
- 2.2 2019/0522DOC - Approval of details reserved by Condition 5 - Finish to exposed walls, Condition 10 – Contamination, Condition 12 - Electric Vehicle

Charging Points, Condition 13 - Bat and Bird box provision and Condition 14 Archaeology of Planning Permission – Application pending

- 2.3 2019/0564NMA - Non Material Amendment for Application Ref 2018/0549 regarding the amended brick for new office buildings – Application pending

3.0 Proposed Development

- 3.1 Application 2018/0549 was approved on 29th March 2019 for the conversion of former police station into 42 apartments including external alterations, erection of a three storey block of 24 apartments, erection of a three storey office block (B1 use) and reconfigured car parking.

- 3.2 The site is partially located within Flood Risk Zones 2 and 3 and a Flood Risk Assessment was submitted with the application. The Environment Agency raised no objection with the application subject a planning condition 6 of the consent which related to finished floor levels. Condition 6 stated:

“The development shall be carried out in accordance with the submitted flood risk assessment (compiled by SCC Consulting Engineering dated August 2018) and the following mitigation measures it details:

- o Finished floor levels for the apartment building shall be set no lower than 37.0m above Ordnance Datum (AOD).
- o Finished floor levels for the office building shall be set no lower than 36.3m AOD.”

- 3.3 This is a section 73 application that seeks to amend condition 6 to amend the finished floor levels. An amended Flood Risk Assessment is submitted with this Section 73 application which proposes to change the floor levels for the apartments to no lower than 36.8m and the offices to be no lower than 36.0m AOD.

4.0 Consultations

- 4.1 Environment Agency The proposed FFL of 36.8m AOD for the apartments and 36.0m AOD for the offices is acceptable provided resilience measures are included as outlined in FRA Rev A.

- 4.2 Nottinghamshire County Council Lead Local Flood Authority – No observations.

- 4.2 Local residents were notified by letter and a site notice was posted near to the application site – No objections or representations were received as a result.

5.0 Planning Considerations

- 5.1 The principle of the development has already been established through planning application 2018/0549. The Council granted full planning permission for the conversion of former police station into 42 apartments, the erection of a three storey block of 24 apartments, erection of a three storey office block (B1 use) and reconfigured car parking. This new application seeks to amend

condition 6 of the consent to amend the finished floor level of the apartments and offices. Condition 6 was attached to the original consent as requested by the Environment Agency to reduce the risk of flooding to the proposed development and future occupants and ensure that the proposal was acceptable from a flood risk point of view.

- 5.2 The main consideration therefore in the determination of this application is whether the proposed amended finished floor levels are acceptable from a flood risk perspective. In this regards the Environment Agency have been consulted and they have no objection to the proposed amended finished floor levels subject to the flood resilience measures set out with FRA Rev A are complied with. Accordingly I consider that the revised proposal is acceptable and the condition can be amended to reflect the new proposed levels whilst also securing that the development is carried out in accordance with the amended FRA.
- 5.3 There have been no amendments to either the national or local planning policies since the approval of the 2018/0549 application and there are no other material considerations that would justify a decision at variance to the previous approval.

6.0 Planning Obligations

- 6.1 During the original 2018/0549 application, the applicant submitted a viability assessment which demonstrated that the development would not be viable if the planning obligations with respect to affordable housing, public open space and healthcare provision were met. This viability assessment was independently appraised by the District Valuer Service who concurred that the required obligations would render the proposed development as unviable. As the development may however become viable in future years and the Section 106 agreement was required to include provisions requiring a review of the viability at specified triggers. If the reassessment of viability shows that the development is viable with contributions towards affordable housing, public open space and a primary health care, such contributions will become due. The Section 106 secured a Local Labour Agreement as required by LPD Policy 48.
- 6.2 Whilst the viability of the development has not altered and a review of the viability has not been triggered, the original Section 106 agreement would need to be amended as the grant of this application would result in a new planning permission.

7.0 Recommendation:

- 7.1 **Grant Planning Permission: Subject to the applicant entering into a deed of variation amending the original Section 106 Agreement to planning approval 2018/0549 with the Borough Council as Local Planning Authority for the provision of a Local Labour Agreement and a viability review of the development in respect of planning obligations for affordable house, public open spaces and primary healthcare contribution and the following conditions:**

Conditions

- 1 The development must be begun not later than three years beginning with the date of the original 2018/0549 planning permission which was issued by the Local Planning Authority on 29th March 2019.
- 2 This permission shall be read in accordance with the following plans: TMA 18-07-01, TMA 18-07 09, TMA 18-07 11, TMA 18-07 12, TMA 18-07 13 and TMA 18-07 14 received on 4th June 2018, TMA 18-07 15A received on 20th August 2018 and TMA 18-07 06A, TMA 18-07 07A, TMA 18-07 08A and TMA 18-07 16 received on 19th November 2018. The development shall thereafter be undertaken in accordance with these plans.
- 3 Prior to the first occupation of the buildings hereby approved there shall be submitted to and approved by the Local Planning Authority a landscape plan of the site showing the position, type and planting size of all trees, hedges, shrubs or seeded areas proposed to be planted. The approved landscape plan shall be carried out in the first planting season following the first occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Local Planning Authority.
- 4 The new windows and doors to be inserted into the elevations of the existing building (former Police Station) shall be of the same appearance, colour and materials as the existing doors and windows in the building.
- 5 Prior to the demolition of the enclosed yard to the rear of the existing building (former Police Station), or any other timescale agreed in writing with the Local Planning Authority, details of the proposed finish of the exposed walls shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such in perpetuity.
- 6 The development shall be carried out in accordance with the submitted flood risk assessment Revision A (compiled by SCC Consulting Engineering dated 2nd March 2019) and the following mitigation measures it details:
 - o Finished floor levels for the apartment building shall be set no lower than 36.8m above Ordnance Datum (AOD).
 - o Finished floor levels for the office building shall be set no lower than 36.0m AOD.
- 7 No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossings/accesses to serve the approved accesses are available for use and constructed in accordance with the Highway Authority specification.

- 8 No part of the development hereby permitted shall be brought into use until the existing site accesses that have been made redundant as a consequence of this permission are permanently closed and the access crossing reinstated as footway and kerbs brought up to full height kerbs.
- 9 No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number TMA 18-07 09. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 10 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme. Where required following the site characterisation assessment, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority
- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements set out in Condition 10 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 12 Prior to commencement of an external works, details of Electric Vehicle charging points to be provided within the site, to include their location and specification shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in

accordance with the approved details prior to the first occupation of the development.

- 13 No above ground construction works shall commence until details of bat and bird boxes to be incorporated within the fabric of the buildings and/or within the site have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be provided prior to the first occupation of the development hereby approved.
- 14 a) No external development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved in writing by the Local Planning Authority, and until all pre-start elements of the approved scheme have been completed to the satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
- i) The programme and methodology of site investigation and recording
 - ii) The programme for post investigation assessment
 - iii) Provision to be made for analysis of the site investigation and recording
 - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v) Provision to be made for the archive deposition of the analysis and records of the site investigation
 - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- b) The development shall not take place other than in accordance with the Written Scheme of Investigation for archaeological work approved under part a)
- c) The new buildings shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation for archaeological work approved under part a) and the provision to be made for analysis, publication and dissemination of results has been secured.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 In the interests of visual amenity.
- 4 In the interests of visual amenity.
- 5 In the interests of visual amenity.
- 6 To reduce the risk of flooding to the proposed development and future occupants.
- 7 In the interests of Highway safety.
- 8 In the interests of Highway safety.

- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 10 To ensure that land contamination matters are fully addressed.
- 11 To ensure that land contamination matters are fully addressed.
- 12 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration policy LPD11 of the Councils Local Plan.
- 13 In the interests of enhancing ecological provision on the site.
- 14 In the interests of affording protection to the archaeological interest of the site.

Reasons for Decision

The proposed development would not cause harm to the vitality and viability of the Carlton Square local centre, would be of an acceptable design and appearance, would not cause undue harm to residential amenity, would not be detrimental to the surrounding highway network or highway safety and would be acceptable in flood risk terms. The proposal would not be viable if the required planning obligations are provided however, in the overall planning balance it is considered that this is outweighed by the fact that the development would bring a vacant site in a prominent location back into use, that it would provide residential and office accommodation in a sustainable location and that it would contribute to the Council's 5 year housing land supply. The proposal would therefore meet with the objectives of the National Planning Policy Framework 2019, the Aligned Core Strategy Policies A, 1, 2, 4, 6, 10 and 19 and Local Planning Document Policies LPD 3, 11, 32, 33, 35, 37, 40, 45, 48, 49, 50, 56, 57 and 61.