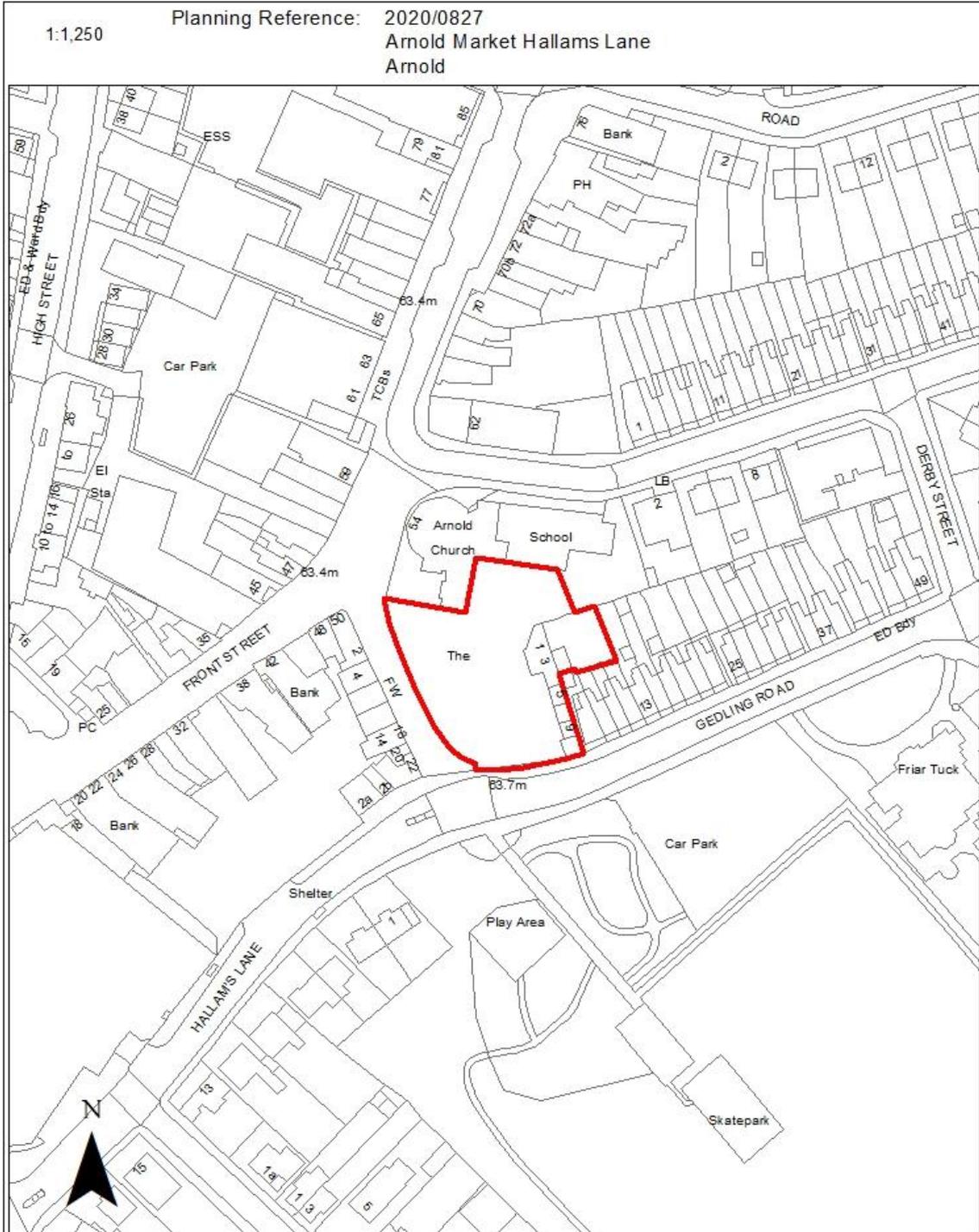


## Planning Report for 2020/0827



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**Report to Planning Committee**

**Application Number:** 2020/0827

**Location:** Arnold Market, Hallams Lane, Arnold

**Proposal:** Construction of a two storey business enterprise building, providing business incubator and office units falling within use classes A1 (retail), A2 (professional and financial services), A3 (restaurant/café), A4 (drinking establishment), B1 (office/research/light industry), D1 (non-residential institutions) and D2 (leisure) and new market place/public realm area of conditions 8 (trees) 3, 16 and 17 (highways) of outline permission 2018/1143 - for the demolition of existing buildings and structures and the erection of up to 84 no. dwellings and associated open space and infrastructure.

**Applicant:** Gedling Borough Council

**Agent:** Maber Architects

**Case Officer:** Nigel Bryan

The application is referred to Planning Committee to comply with the Councils constitution as the application is submitted by the Council and is on Council land.

**1.0 Site Description**

- 1.1 The application site forms land that is known as Arnold Market; however, a number of structures that were on the site have been removed. There is a degree of street furniture and trees within the space but it is largely flat and devoid of any significant features, save for the new market stalls that are left erected on site.
- 1.2 The application site is to the western end of, and is within, Arnold Primary Shopping Centre. The application site is pedestrianised and is accessed from Front Street and Gedling Road. The stall holders typically access the site from Gedling Road where there is a dropped kerb for delivery vehicles to access the site.

- 1.3 Neighbouring land uses are mixed and include Arnold Methodist Church to the north; 5 Gedling Road is a hairdressers on the groundfloor with a flat above whilst the other properties fronting Gedling Road and adjacent to the application site are all in a residential use. To the west, opposite the application site, is a parade of shop units comprising a mixture of retail and cafes uses; on the opposite side of Gedling Road to the south is the King George V Park, playing fields and a public car park.
- 1.4 The site covers an area of 1940sqm.

## **2.0 Relevant Planning History**

- 2.1 There is no recent planning history on the application site that is pertinent to the determination of the application.

## **3.0 Proposed Development**

- 3.1 The application seeks planning permission for the redevelopment of the Arnold Market site. The proposal comprises the erection of a two storey building with a new public square/market place to the front of the site. The building would have a service yard to the rear, including 10 parking spaces, two of which would be disabled, with access from Gedling Road.
- 3.2 The new building will provide over 288 sqm net internal floor area comprising seven small outlets for local independent businesses at ground floor with 344 sqm net internal floor area flexible commercial space/office accommodation above. The building would be relatively modern in design with a flat roof and have large glazed shop windows and fascias facing the public realm and materials would primarily be red brick with stone detailing. The ground floor units are intended to be targeted at small start-up type businesses, including conventional retail (A1), professional and financial services (A2), restaurants or cafés (A3), drinking establishments (A4) or offices (B1); this degree of flexibility will help to let the units and the first floor could be suitable for any of the previously mentioned uses along with possibly leisure (D2) or non-residential institutions (D1).
- 3.3. To the front of the building there will be public realm improvements in the form of new paving, including natural stone and block paving, a granite seat wall, street trees, planting bed, cycle stands and market stalls re-instated on the site too.

## **Consultations**

- 4.1 Gedling Borough Council Scientific Officer – raise no objection subject to the imposition of conditions with regard to the installation of vehicle charging points and the approval of a Construction Environmental Management Plan.
- 4.2 Nottinghamshire County Council Highways – note that servicing will be provided to the rear of the site with adequate parking and turning proposed. Also note that the site is well serviced by existing car parks and public

transport. As a result, raise no objection to the application subject to the imposition of conditions to secure the parking and access arrangements.

- 4.3 A site notice has been erected and consultation letters sent to neighbouring properties. As a result of consultation made no letters of representation have been received from members of the Public.

## **5.0 Assessment of Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

## **6.0 Development Plan Policies**

- 6.1 The following policies are relevant to the application:

### **6.2 National Planning Policy Framework 2019**

Sets out the national objectives for delivering sustainable development. Sections 2 (Achieving sustainable development), 4 (Decision making), 6 (Building a strong and competitive economy), 7 (Ensuring the vitality of town centres), 9 (Promoting sustainable transport), and 12 (Achieving well-designed places) are particularly relevant.

### **6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan**

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.

Policy 6: Role of Town and Local Centres – Identifies Arnold as a town centre within the retail hierarchy. Part 6 sets out the vitality and viability of centres will be maintained including widening the range of uses. This policy also identifies Arnold Town Centre as in need of enhancement or to be underperforming.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 12: Local Services and Healthy Lifestyles – The policy supports the principle of new facilities located within town centres.

#### 6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 4: Surface Water Management – sets out the approach to surface water management.

LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 49: Retail Hierarchy and Town Centre Boundaries – Identifies Arnold as a town centre within the retail hierarchy.

LPD50: Development within town and local centres – identifies the types and use of development that is likely to be acceptable in Local Centres.

LPD53 – Markets - Planning permission will be granted for development proposals that result in the enhancement of existing markets or the creation of new markets within town and local centres subject to a number of criteria, including the design is of a high standard and adequate parking is provided.

LPD55 – Security shutters – identifies where shutters are likely to be appropriate and gives guidance on what would be acceptable.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

#### 7.0 Planning Considerations

##### Principle of the development

- 7.1 The application site falls within Arnold Town Centre and is identified as an area that is under performing in policy 6 of the Aligned Core Strategy and whilst the market has been in situ for a number of years, there is a tacit acceptance that it has been in decline for a number of years with the number of occupied stalls on it dwindling. However, the market occupies a prominent position within the heart of the town and is seen as a gateway into it from the east. Policies within the Aligned Core Strategy and Local Planning Document highlight the importance of having a vibrant town centre and wide ranging number of services and shops. Policy LPD53 – Markets – is most pertinent to the determination of the application and identifies that permission will be granted for proposals that result in an enhancement of the market subject to a number of criteria, notably that the proposal is of a high standard of design; will not result in the loss of buildings or open space that contribute to the character of the area; the amenity of nearby residents or occupiers is not comprised and adequate parking provision is provided. The various criteria are considered in more detail later in this report; however, as noted above, it is considered that there is a need to enhance this important gateway to the town. Furthermore, there would be a need to ensure that the new building to be erected complies with policy LPD50 in that any building is of a high standard of design; would not have significant adverse impact on amenity and adequate parking would be provided too. Having regard to the above it is considered that, subject to compliance with the highlighted criteria of policies LPD50 and LPD53, the principle of development, to enhance Arnold Market and the wider retail offer, is supported.

### Design

- 7.2 The building would be two-storey in scale and built of traditional materials with red brick predominant and stone detailing. It would have a flat roof, which will give the building a contemporary twist, but in all other respects the building will be relatively traditional including attractive shop fronts with fascias above. The first floor will have a conventional window layout overlooking the market.
- 7.3 To the front of the building, where the market will be sited, new surfacing is proposed, which will replace existing tarmac, with sections of block paving to western end of the building along with sections of natural stone and high quality concrete pavers through the remainder of the public realm. This will help to create more of a sense of place and arrival rather than one of conventional footway that people will walk through. Street furniture in the form of a granite seat wall that will be to the edge of the market and front of the retail units will encourage people to utilise the space as a place to sit and relax. Market stalls will roughly be in the same location as they are currently with three semi-mature street trees to the periphery of the site between the market and existing retail units to the west.
- 7.4 Taking into account the scale of the building it will sit comfortably within the streetscape where buildings are typically two-storey in scale and whilst there are few with a flat roof, it is considered that the design of the building will respect the character of the area given its elevation treatment, the detailing proposed at the eave height and shop front layout. There are proposed to be significant enhancements to the public realm in the forms of high quality paving, street furniture and planting that will all add to the sense of place and

act as an attractive gate way to Arnold and result in significant enhancements over and above the site as it currently stands, which is in need of improvements. Taking into account the above it is considered that the development will provide an attractive built form and significant public realm enhancements in area in need of regeneration; as a result the application is deemed to comply with policies LPD53 and ASC10.

#### Impact on the town centre

- 7.5 Given the prominent location of the site within the town it is apparent that as it currently stands the site is in need of investment and is likely to detract from vitality of the town centre. However, the proposed development will lead to improvements in the public realm and the building has been purposely designed to encourage smaller start up units, rather than have one or two conventional high street stores, which will sit comfortably alongside stalls on Arnold Market. The application site falls within Arnold Primary Shopping Centre where there is a desire to enhance the retail provision available, which this application will undoubtedly do through offering alternative types of retail units in a central location. Furthermore, the regeneration of the public realm will enhance the character of the area in the round offering a more pleasant shopping environment for the application site and town centre as a whole.
- 7.6 The upper floor would be a larger space and is targeted for alternative uses such as office, possibly leisure e.g. a gym, although no end user is currently identified. Such uses are typical above retail/commercial units and would be acceptable in this location.
- 7.7 Given the desire to improve Arnold's shopping experience, and the market area in particular, this application will enhance the provision of retail units in the area increasing its vitality, with uses that are appropriate in a town centre location. As a result, the application is deemed to comply with policies LPD49, LPD53, AC6 and guidance within the NPPF (notably chapter 7).

#### Amenity

- 7.8 The building is proposed to be two-storey in scale and would be similar to others in the locality. There are residential uses adjacent to the application site, notably along Gedling Road, a number of which have modest rear gardens. Immediately adjacent to 5 Gedling Road, which is a hairdressers with a flat above, will be the vehicular access to the rear of the site and also an external store, which will be a secure enclosure without a roof. A 2m high brick wall is proposed to be erected along the eastern boundary of the application site adjacent to the residential units along Gedling Road, which will not need permission in its own right, and will provide a robust boundary treatment. There may be an element of disturbance from use of the access but it will only be used by a small number of vehicles and stall holders of the market will continue to access the site to the front, rather than the rear. A technical note has been submitted in support of the application in respect of noise and indicates that the use, given the market will be enclosed by the building proposed to be erected, there may be noise benefits and that vehicle movements generated are not likely to be significantly different to those currently experienced. The noise impacts from the development would be

acceptable, although details of any extraction units would need to be duly considered. Therefore, it is not considered that the access, which is currently in situ but unused, would detrimentally impact on the amenity of adjacent occupiers. It also needs to be borne in mind that the market has an historical and authorised use which could intensify without the benefit of planning permission.

- 7.9 In respect of possible overlooking and overbearing impacts it is noted that the building would be two-storey in scale with a flat roof to reduce the overall height and mass of the building. To ensure that privacy of neighbouring properties is respected it is noted that at the first floor level on the rear of the building there will be screens to windows that will allow light in but not allow overlooking. Therefore, taking into account the scale of the building and window design, it is considered that the amenity of neighbour properties would be respected in terms of possible overlooking impacts. Furthermore, given the scale and orientation of the building and relationship with neighbouring residential properties, it is not considered that the building would result in a significant adverse impact on amenity through overbearing or loss of light. As a result the application is deemed to comply with policies LPD32 and LPD53.

#### Highway matters

- 7.10 The retail units would be serviced from the area to the rear of the building with an existing dropped kerb in situ. The access would be large enough to accommodate delivery vehicles and have space in the rear to allow vehicles to park and turn within it. A total of 10 parking spaces would be provided for occupiers of the units, 2 of which would be for disabled drivers. The highway authority have raised no objection to the access with current market stall holders accessing the site from Gedling Road, but nearer to the existing retail units, which will remain in situ.
- 7.11 In respect of parking provision, Policy LPD53 identifies that appropriate parking provision should be made whereas the Parking SPD is more prescriptive and identifies that for small shops, as would be provided here, one space per 50sqm upto 100sqm, with additional spaces at one per 100sqm thereafter. As noted above, the current application will provide 10 spaces, based on a floor area of just over 600sqm there would be a need to provide 8 spaces. Therefore the application complies with relevant guidance providing an additional 2 parking places. It is also noted that the site is within the main shopping area with a car park on the opposite side of the road and has good links to public transport. Taking into account the above it is considered that the development would not be detrimental to highway safety and adequate parking provision would be provided and the application is, therefore, deemed to comply with policies LPD53, LPD57 and LPD61.

#### Other considerations

- 7.12 The application site falls within flood zone 1 so it not at risk of flooding. No planning obligations are required in support of the application; however, the development would be liable for payments under the Community Infrastructure levy, and this will be sought at the appropriate time. Electric

vehicle charging points would be required, to ensure the development is broadly sustainable and a Construction Environmental Management Plan would be required to ensure that the amenity of neighbouring uses is respected, and these can be secured via condition.

## **8.0 Conclusion**

- 8.1 The principle of the development is supported in that it will result in regeneration of Arnold Market Place through public realm enhancements. The building proposed to be erected will enhance the character of the area as well as enhance the vitality and viability of Arnold Primary Shopping Area. Furthermore, the application would not be detrimental to residential amenity or highway safety. The application is, therefore, deemed to comply with policies A, 1, 2, 6, 10 and 10 of the Aligned Core Strategy; policies 4, 11, 32, 49, 51, 53, 55, 57 and 61 of the Local Planning Document and guidance within the National Planning Policy Framework (notably chapters 2, 4, 6, 7, 9, and 12).

### **Recommendation: Grant full Planning Permission subject to the conditions listed for the reasons set out in the report.**

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the application form and following list of approved drawings:

AMN-MA-00-00-DR-A-00101-S2-P01-Site Location Plan  
AMN-MA-00-GF-DR-A-00103-S2-P01-Proposed Ground Floor Plan  
AMN-MA-00-01-DR-A-00104-S2-P01-Proposed First Floor Plan  
AMN-MA-00-02-DR-A-00105-S2-P01-Proposed Roof Plan  
AMN-MA-00-ZZ-DR-A-00106-S2-P01-Proposed Elevations  
AMN-MA-00-ZZ-DR-A-00107-S2-P01-Proposed Sections  
AMN-MA-ZZ-ZZ-DR-L-40000-S2-P01-Landscape Masterplan  
AMN-MA-ZZ-ZZ-DR-L-40010-S2-P01-Landscape Illustrative Plan  
AMN-MA-ZZ-ZZ-DR-L-40030-S2-P01-Landscape Illustrative Section  
AMN-MA-00-ZZ-RP-A-001-S2-P01 Design & Access Statement  
200606 Energy Statement - Arnold Market  
AMP-BWB-GEN-XX-RP-TR-0001-HS-S1-P2

The development shall thereafter be undertaken in accordance with these plans/details.

3. Prior to the occupation of building(s) hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of one (1) Electric Vehicle Recharging Point; with appropriate cable and infrastructure provision to allow this to increase to two (2) points in total in future years. The Electric Vehicle Recharging Points shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development. All EV charging points shall meet

relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of staff and visitors.

4. Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

5. No part of the development hereby permitted shall be brought into use until the access road, parking, turning and servicing areas are provided in accordance with the approved plans. The access road, parking, turning and servicing areas shall not be used for any purpose other than access, parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

6. No part of the development hereby permitted shall be brought into use until the access road and parking areas have been surfaced in a bound material (not loose gravel). The surfaced access road and parking areas shall then be maintained in such bound material for the life of the development.

7. No part of the development hereby permitted shall be brought into use until the access road and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the access road and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

8. Prior to above ground works commencing, samples of materials for the external elevations of the building and public realm hardstanding shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall thereafter be implemented and retained thereafter.

9. The landscaping scheme as approved shall be carried out in the first planting season following completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.

10. Prior to use of the building's first floor the aluminium screens shown on the approved elevation drawing (AMN-MA-00-ZZ-DR-A-00106-S2-P01-Proposed Elevations) to the rear of the unit shall be in situ and shall be retained as such thereafter.

11. Prior to the occupation of each unit, details of any condenser and extraction units that are to be installed shall be submitted to and approved in writing by the Local Planning Authority. Only the condenser and extraction units approved shall thereafter be erected on any unit of the building.

## **Reasons**

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. For the avoidance of doubt
3. 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 the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
4. 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 the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
5. In the interests of highway safety and to comply with policy LPD61.
6. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and in the interests of highway safety and to comply with policy LPD61.
7. To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy LPD61.
8. To ensure that the character of the area is respected and to comply with policy ACS10.
9. To ensure that the character of the area is respected and to comply with policy ACS10.
10. To ensure that the amenity of neighbouring properties is respected and to comply with policy LPD32.
11. To ensure that the amenity of neighbouring properties is respected and to comply with policy LPD32.

## **Notes to Applicant**

The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

Please note that the grant of planning permission does not override civil legal matters with regard to development on or over a boundary, including the Party Wall etc Act, advice on which should be sought from an independent source.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)