

Report of the Chief Executive

APPLICATION NUMBER:	23/00046/REG3
LOCATION:	Land at 131 - 133 Derby Road, Stapleford, Nottingham NG9 7AS
PROPOSAL:	Creation of public car park with 46 parking spaces and cycle stand.

As this is an application for planning permission by the Borough Council to develop land within the Borough, it must be determined by Committee.

1.1 Purpose of Report

To report an application for full planning permission to lay out a public car park to replace one at Victoria Street further north within the town centre, which is being developed as an 'Enterprise Hub' as part of the Stapleford Town Deal.

1.2 Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the conditions outlined in the appendix.

1.3 Detail

- 1.3.1 The application site is on the east side of Derby Road towards the southern end of Stapleford Town Centre and was formerly occupied by a now-demolished shop and warehouse with vehicular access to a car park that extended further south behind the remaining frontage plot, so that the site forms an L-shape. The site bounds residential properties to the north and east, and a telephone exchange to the front part and a service area and warehouse to the rear part of its southern boundary.
- 1.3.2 Vehicular access would be moved north to the centre to the site frontage, 10 metres south of a zebra crossing on Derby Road. The car park would have 46 spaces, including six for blue badge users and four for electric vehicles. Stands with space for eight cycles, CCTV, lighting and payment machines are also proposed together with soft landscaping, including boundary treatments.
- 1.3.3 The main issues relate to the principle of a replacement public car park for the town centre, impact on highway safety, impact on neighbour (particularly residential) amenity, and, related to this, the crime and safety implications for neighbours and future users. As a new area of hard surface is proposed, overall surface water permeability and drainage are relevant, as are opportunities to effect a net gain to biodiversity.
- 1.3.4 On balance, the economic benefits of a smaller replacement public car park and net biodiversity and surface water permeability gains from soft landscape outweigh the limited impacts to residential amenity and safety, which can be mitigated by conditions requiring closure of the Victoria Street car park, and the installation of electric vehicle charging points, boundary treatments, low-spill lighting and CCTV prior to first use. The latter two requirements and a condition requiring marking out

and retention of disabled spaces are necessary to ensure the safety of and equality of access for future users, and would therefore be neutral in the balance.

1.3.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

1.4 Financial Implications

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets.

1.5 Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

1.6 Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

1.7 Background Papers

Nil.

APPENDIX

1. Details of the Application

- 1.1 A relocated vehicular access is proposed central to the frontage, 10 metres south of a zebra crossing on Derby Road. The car park would have a central aisle turning within the site, serving 46 parking spaces to either side, including six for blue badge users and four for electric vehicle charging points (EVCPs) nearest to the access.
- 1.2 A footway would run along the southern boundary of the front part of the site to a point where the car park would turn behind the telephone exchange. Four stands with space for eight bicycles, CCTV, lighting and payment machines are proposed together with soft landscape, including boundary treatments.

2. Site and Surroundings

- 2.1 This 0.15-hectare site is on the east side of Derby Road towards the southern end of Stapleford Town Centre as designated, although retail uses continue south to the railway. The site is L-shaped with a 22-metre frontage, but 39-metre rear width, and was formerly occupied by a now-demolished shop and warehouse abutting its northern and eastern boundaries. Vehicular access along the southern boundary led to a rear car park that extended further south.
- 2.2 The 48-metre north boundary is shared along its front 37 metres with a two-storey end terrace house fronting Derby Road but served to its rear by a side road off of Broad Oak Drive. This house presents a blank side elevation set 1.5 metres away with front and rear gardens all behind a timber fence. The turning head of the side road forms the remaining length of the north boundary, together with a small part of the front garden of a further house it serves.
- 2.3 The northern 16 metres of the east boundary is formed by an unattractive remnant wall of the warehouse, which appears buttressed by sections of internal return wall. A principal elevation of a three-storey block of flats, Aria Court, faces this part of the site behind five metres of amenity space. Further south, the block steps back to 11 metres away behind a boundary wall facing the site across a car park. The latter wall has unattractive blockwork and more attractive brick sections.
- 2.4 South of the front part of the site is a telephone exchange with palisade fence. The site wraps behind it and has a 13-metre western boundary to its rear. Further south on Derby Road is a parade of shops, four metres of the back of which buildings abut a further length of western boundary. The southernmost boundary at the rear is adjoined by the service area for the shops and abutted by a warehouse unit.

3. Relevant Planning History

- 3.1 Prior approval was granted on 21st July 2022 under reference 22/00516/DEM to demolish. This was completed in January 2023.

4. Relevant Policies and Guidance

4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:

4.1.1 The Council adopted the Aligned Core Strategy (ACS) on 17th September 2014.

- Policy 1: Climate Change
- Policy 4: Employment Provision and Economic Development
- Policy 6: Role of Town and Local Centres
- Policy 7: Regeneration
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 17: Biodiversity

4.2 Part 2 Local Plan 2019

4.2.1 The Council adopted the Part 2 Local Plan (2019) on 16th October 2019.

- Policy 1: Flood Risk
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 31: Biodiversity Assets

4.3 National Planning Policy Framework (NPPF) 2021:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 12 – Achieving Well-designed Places

5. Consultations

5.1 **Nottinghamshire County Council Highways** – No objection subject to conditions requiring visibility splays to be kept clear and implementation of other matters already covered by recommended conditions.

5.2 **Nottinghamshire County Council Flood Risk** – Comments awaited, particularly in relation to required run-off rates and drainage systems.

5.3 **Stapleford Town Council** – Comments awaited after meeting on 24th February.

5.4 **Broxtowe Borough Council Parks and Environment** – No objection: trees on site have little amenity value and should be replaced with new trees and shrubs.

5.5 Neighbouring properties were consulted by letter and a notice posted at the site, with letters received raising the following points:

- Too far from centre for disabled or elderly people
- Needs season tickets as residents struggle to park
- Would be better to improve Victoria Street car park

- Better used for community hub or additional parking
- Needs at least two electric vehicle charging points
- Would improve parking facilities for this area of town
- Needs motorcycle parking with bar or ground anchors
- Motorcycles more environmentally friendly than cars
- Stapleford lacks secure motorcycle parking leading to theft
- Already have perfectly good car park at Victoria Street
- Lack of noise assessment – house to north previously shielded
- Need acoustic and visual barrier to house to the north
- Existing fence to house to the north inadequate for purpose

6. Assessment

6.1 The main issues relate to the principle of a replacement public car park for the town centre, highway safety, neighbour (particularly residential) amenity, and, related to this, the crime and safety implications for neighbours and future users. As a new area of hard surface is proposed, overall surface water permeability and drainage are relevant, as are opportunities to effect a net gain to biodiversity. As the site was previously used for industrial purposes, potential land contamination is relevant.

6.2 The proposal would enable redevelopment of an existing public car park on Victoria Street for an ‘enterprise hub’ that would both benefit footfall in Stapleford Town Centre and promote economic development by providing employment and training opportunities to assist residents. That site cannot be redeveloped without affecting the vitality and viability of the Town Centre until a replacement public car park has been provided elsewhere within or close to the Town Centre.

6.3 Whilst removal of the previous commercial use would have been a benefit to noise environment, it largely took place within buildings and the baseline is now a nil use, so opening the site to public as car park increases potential noise, light and crime impacts, but these could be mitigated by conditions.

6.4 Principle

6.4.1 ACS Policy 6 requires the vitality and viability of centres (including Stapleford Town Centre, within which the site is located) to be maintained and enhanced, including environmental enhancements and improvements to access, which should take account of equality. ACS Policy 7 supports local initiatives in areas of recognised regeneration need. Whilst not as central to the designated town centre as the car park it would replace, the site is reasonably central to the actual retail area along Derby Road. As a replacement for a facility being redeveloped for regeneration purposes that will enhance the vitality and viability of Stapleford Town Centre, the proposal complies with both of these policies.

6.4.2 ACS Policy 1 requires development to mitigate against climate change – the proposal provides EVCPs, which are integral to the shift away from fossil fuels. ACS Policy 14 seeks to minimise the need to travel, especially by private car, and to provide improvements to cycling facilities to encourage and prioritise sustainable modes of transport. Whilst the proposal replaces car parking spaces, it does so at less than parity and provides cycle parking thereby on balance encouraging and prioritising

sustainable modes of transport. A condition requiring closure of the existing car park and provision of cycle stands prior to first use would secure this.

6.5 Design and Amenity

- 6.5.1 ACS Policy 10 and Broxtowe Part 2 Local Plan (2019) Policy 17 require development to contribute to public realm and to create an attractive, legible, safe and inclusive environment convenient to use by people with limited mobility, which encourages walking and cycling and incorporates features to reduce crime and fear of crime. The proposed layout is such that conditions to secure surface materials to create attractive and legible public realm accessible by people with limited mobility, cycle stands to encourage cycling, and boundary treatments, CCTV and lighting to deter crime and provision, and retention of clear visibility splays would ensure compliance with these policies.
- 6.5.2 ACS Policy 10 and Broxtowe Part 2 Local Plan (2019) Policies 17 and 19 seek to protect neighbour amenity and limit lighting schemes to only that necessary for their purposes whilst minimising off site impacts on neighbour amenity. Whilst the removal of the former commercial use would have benefitted the noise environment, it largely took place within buildings and the baseline post-demolition is now nil use, so opening the site to the public as a car park increases potential for noise, light, visual and crime impacts. However, this can be mitigated by conditions requiring boundary treatments of appropriate height and acoustic performance, planting, lighting and CCTV.
- 6.5.3 A layout that located planting along the rear boundary with the block of flats, instead of that with telephone exchange, would be better for the visual amenity of residents of those flats. This has been communicated to the applicant and a revised layout could improve on this impact. Notwithstanding this, the scheme as it stands is acceptable.

6.6 Surface water and biodiversity

- 6.6.1 ACS Policy 1 requires development to take account of the impacts of climate change, including intense rain and storms, and incorporate measures to reduce surface water runoff with sustainable drainage systems unless they are not viable or feasible. Broxtowe Part 2 Local Plan (2019) Policy 1 would not permit development on previously developed sites in areas at risk from flooding without measures to reduce surface run off by a minimum of 30%. The site is at some risk of surface water flooding and a condition requiring submission of a drainage strategy informed by results of a site investigation prior to the commencement of development, to be implemented prior to first use, could secure compliance.
- 6.6.2 ACS Policy 17 seeks to ensure that development provides new and improves existing biodiversity features wherever appropriate. Broxtowe Part 2 Local Plan (2019) Policy 17 seeks development that incorporates ecologically sensitive design with a high standard of planting and features for biodiversity, and uses native trees, shrubs and wild-flower species in landscape proposals. Broxtowe Part 2 Local Plan (2019) Policy 31 requires all development to seek to deliver a net gain in biodiversity and geodiversity and contribute to the Borough's ecological network. A condition requiring submission of a landscape plan with details of planting (including habitat creation) prior to the

commencement of development, to be implemented prior to first use, could secure compliance with these policies.

6.7 Contamination

6.7.1 ACS Policy 10 would assess development on its impact on ground conditions and Broxtowe Part 2 Local Plan (2019) Policy 19 would not permit development, that might result in the infiltration of contaminants into groundwater, or that is on land potentially affected by contamination until a site investigation has been carried out and, if necessary, details of effective and sustainable remedial measures have been agreed. The standard conditions requiring the submission of a desktop assessment, site investigation, remediation measures and validation at the appropriate stages of development would secure this and would inform the drainage strategy to avoid any risk of poor or contaminative percolation.

7. Planning Balance

7.1 The economic benefits of a smaller replacement public car park and net biodiversity and surface water permeability gains from soft landscape outweigh limited impacts to residential amenity and safety, which can be mitigated by conditions that would also ensure the safety of and equality of access for future users.

7.2 Notwithstanding neighbour comments, developing this site for the enterprise hub and retaining the existing car park does not form part of this application and there is no reason to doubt the benefits of the proposal. In respect of EVCPs, four are proposed exceeding the two suggested by neighbours. Motorcycle parking spaces were considered unnecessary, there is no specific policy supporting their provision and the highway authority has not objected to their absence.

8. Conclusion

8.1 The proposed development is acceptable subject to conditions to avoid noise, light and community safety impacts to neighbours, and therefore the application should be granted planning permission.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. <i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development hereby permitted shall be carried out in accordance with Site Layout Plan drawing number 2250769-VIA-O-

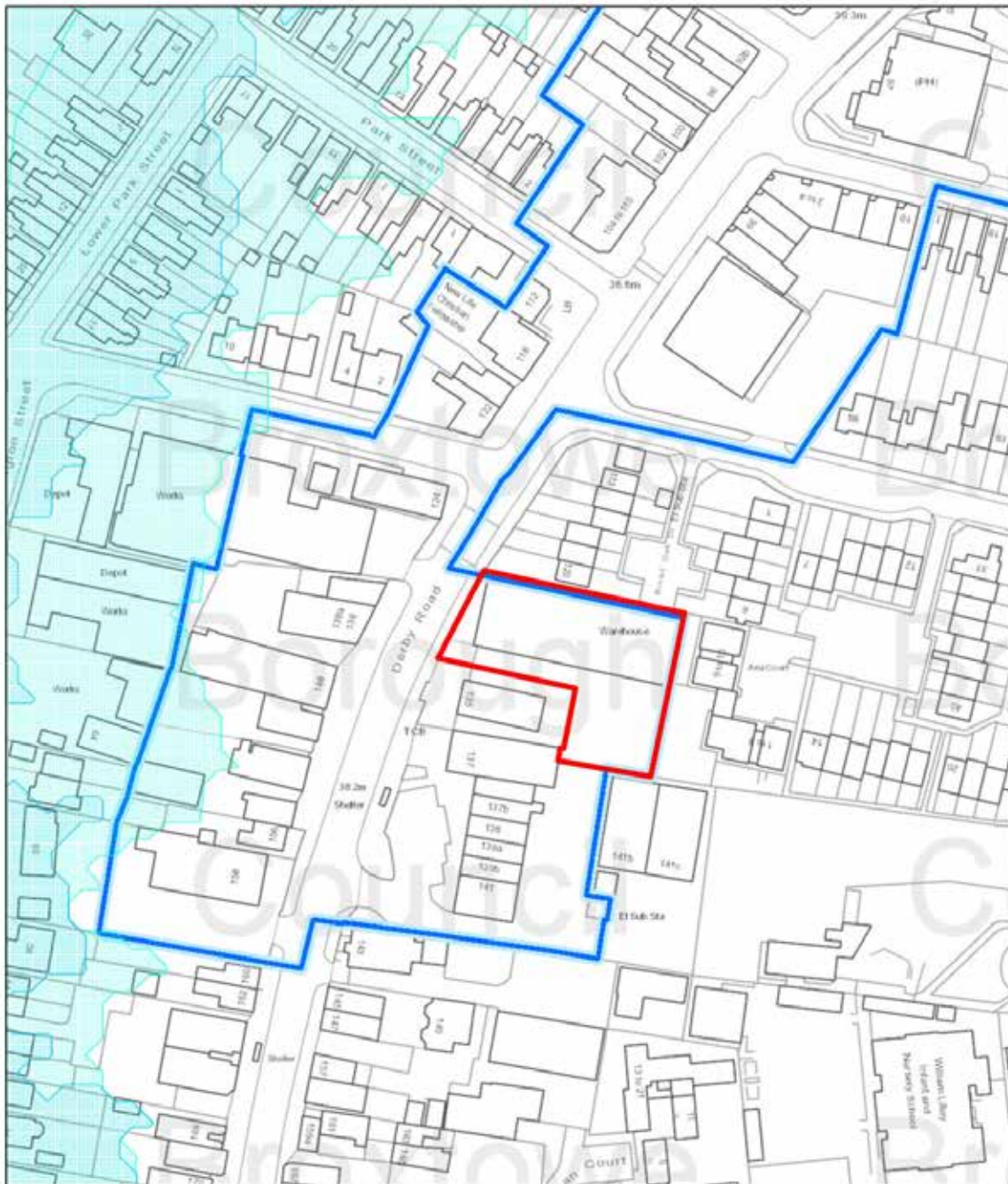
	<p>EX-00001 received by the Local Planning Authority on 19 January 2023.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>Development shall not commence until an assessment of ground contamination been submitted to and approved in writing by the Local Planning Authority with details of:</p> <ul style="list-style-type: none"> · a desktop survey of potential sources · a site investigation and test results · a remediation strategy for contamination · a validation strategy for certification <p><i>Reason: To ensure that the risk to site users from contamination, is minimised in accordance with Broxtowe Part 2 Local Plan (2019) Policy 19.</i></p>
<p>4.</p>	<p>Development shall not commence until a drainage strategy has been submitted to and approved in writing by the Local Planning Authority with details of:</p> <ul style="list-style-type: none"> · the results of percolation testing · sustainable methods possible · the methods and layout proposed <p><i>Reason: To ensure a net reduction in surface water run-off, in accordance with Broxtowe Aligned Core Strategy (2014) Policy 1 and with Broxtowe Part 2 Local Plan (2019) Policy 1.</i></p>
<p>5.</p>	<p>Development shall not commence until a landscape plan has been submitted to and approved in writing by the Local Planning Authority with details of:</p> <ul style="list-style-type: none"> · hard surface materials across the site · EVCPs and pay and display machines · cycle stands and boundary treatments · a planting schedule of native species · an assessment of biodiversity net gain · a future landscape management plan <p><i>Reason: To ensure that the need to use fossil fuels is minimised in accordance with Broxtowe Aligned Core Strategy (2014) Policy 1 and Broxtowe Part 2 Local Plan (2019) Policy 19, and to ensure the site is attractive, legible, safe, inclusive, protects neighbour amenity and effects a net gain in biodiversity and surface water run-off, in accordance with Broxtowe Aligned Core Strategy (2014) Policies 10 and 17 and with Broxtowe Part 2 Local Plan (2019) Policies 1, 17 and 31.</i></p>

6.	<p>Development shall not commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority with details of:</p> <ul style="list-style-type: none">· heights, locations and specifications of luminaires· an assessment of on and off-site illumination levels <p><i>Reason: To ensure that the site is attractive, legible, safe, inclusive and protects neighbour amenity, in accordance with Broxtowe Aligned Core Strategy (2014) Policies 10 and 17 and with Broxtowe Part 2 Local Plan (2019) Policies 17 and 19.</i></p>
7.	<p>Development shall not commence until a CCTV scheme has been submitted to and approved in writing by the Local Planning Authority with details of:</p> <ul style="list-style-type: none">· heights, locations and specifications of cameras· an assessment of areas surveilled <p><i>Reason: To ensure that site is safe, inclusive, and protects the safety of neighbours, in accordance with Broxtowe Aligned Core Strategy (2014) Policy 10 and with Broxtowe Part 2 Local Plan (2019) Policy 17.</i></p>
8.	<p>The car park shall not be first brought into use until the existing car park at Victoria Street has been closed or reduced in capacity by at least as many spaces as hereby provide and the four EVCPs are provided in locations convenient to spaces marked on site for the purposes of their use.</p> <p><i>Reason: To ensure that the need to travel by car or use fossil fuels is minimised in accordance with Broxtowe Aligned Core Strategy (2014) Policy 1 and Broxtowe Part 2 Local Plan (2019) Policy 19.</i></p>
9.	<p>The car park shall not be first brought into use until the following have been implemented in accordance with approved details:</p> <ul style="list-style-type: none">· the remediation strategy· the drainage strategy· the landscape plan· the lighting scheme· the CCTV scheme <p><i>Reason: To ensure that the risk to site users from contamination is minimised in accordance with Broxtowe Part 2 Local Plan (2019) Policy 19, and to ensure the site is attractive, legible, safe, inclusive, protects neighbour amenity and effects a net gain in biodiversity and a net reduction in surface water run-off, in accordance with Broxtowe Aligned Core Strategy (2014) Policies 10 and 17 and with Broxtowe Part 2 Local Plan (2019) Policies 1, 17, 19 and 31.</i></p>

<p>10.</p>	<p>The car park shall not be brought into use until the visibility splays shown on the submitted drawing are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures, or erections.</p> <p><i>Reason: To ensure that the development provides safe access in accordance with Broxtowe Part 2 Local Plan (2019) Policy 17.</i></p>
	<p>NOTES TO APPLICANT</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>

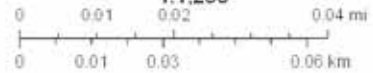
Site Plan

Land at 131-133 Derby Road, Stapleford, NG9 7AS



2/21/2023, 10:19:00 AM

1:1,250



-  Flood Zone 2
-  Site
-  Flood Zone 3
-  Town Centre Boundaries

Photographs



Plans (not to scale)

Proposed Layout Plan

