

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

The Old Peacock , Ilkeston Road

1 SUMMARY

Application No: 13/00430/PFUL3 for planning permission

Application by: Zenith Planning And Design on behalf of Mr Habib Ali

Proposal: Conversion and extensions to create student accommodation

The application is brought to Committee at the request of a ward councillor. It is for a major development comprising the conversion of a building to provide student accommodation.

To meet the Council's Performance Targets this application should be determined by 22nd May 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to

- (a) No material issues arising from the consultation responses received by 27th March 2013;
- (b) Prior completion of a Section 106 planning obligation which shall include:
 - (i) A financial contribution for the provision or improvement of open space or public realm;
 - (ii) A student management agreement including a restriction on car ownership.
- (c) The conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and conditions the of planning permission be delegated to the Head of Development Management.

That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 BACKGROUND

- 3.1 The application site is situated at the corner of Ilkeston Road and Blooms Grove Street. The property comprises the Old Peacock Public House, a three storey building which dates back to the 1870s but was extended and the ground floor

altered sometime in the mid 20th century. The property is currently vacant. The ground floor was previously used as licensed premises with the remainder of the building being in some form of ancillary residential use. The property has frontages to both Ilkeston Road and Blooms Grove Street, which is a cul de sac.

- 3.2 The surrounding area is mixed in character. The site is bounded to the west and north by a Family Contact Centre which is accessed from Garden Street. To the west of Garden Street lies the Radford Mill complex and the Blooms Grove Industrial Estate. To the east and north are residential properties accessed from Roland Street and Wolsey Avenue. The site lies directly opposite the Ilkeston Road local shopping centre which comprises a mix of small shops, hot food takeaways, and offices.
- 3.3 A planning application was submitted in November 2012 (ref 12/03164/PFUL3) for the conversion and extensions to create student accommodation. It was proposed to create seven self contained units with a total of 51 bedspaces. This application was withdrawn as a result of concerns about the design and external appearance of the proposed extensions to the building and their relationship with the adjacent property.

4 DETAILS OF THE PROPOSAL

- 4.1 This application is seeking permission to change the use of the building and extensions to student accommodation, providing a total of 45 bedspaces in seven self contained units. It is also proposed to create a self contained unit to be used as a student letting and management office on the ground floor. This will be ancillary to the main use as student accommodation.
- 4.2 It is proposed that the ground floor of the existing public house be converted into a 5 bed unit, with the office unit on the corner of Ilkeston Road and Blooms Grove Street. The upper floors of the existing building will be converted to a 7 bed unit. It is also proposed to build a 2/3 storey extension on the Ilkeston Road frontage comprising two 7 bed units. To the rear of the existing building a new wing is proposed comprising two 8 bed and one 3 bed units. This would be 3 storeys on the Blooms Grove Street frontage and 2 storeys along the northern boundary of the site.
- 4.3 The extension fronting Ilkeston Road and fronting Blooms Grove Street has a traditional design and is to be constructed of matching materials. The new block located at the rear of the site is of a more contemporary design utilising a contrasting palette of materials.
- 4.4 One parking space for disabled persons would be provided within the courtyard area which would be accessed from Ilkeston Road. Bin storage and cycle parking would also be located within this area and there would be space for visitors parking and servicing.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

97, 97A, 99, 99A, 101, 103, 103A, 105, 109, 111, 111A Ilkeston Road, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 Clayton Court, 54 Albert Grove, 11 Yeoman's Court, Nottingham Action Group.

The application has also advertised by a site notice. The overall consultation period expires on 27th March 2013. No comments have been received and any subsequent responses will be reported to Committee

Additional consultation letters sent to:

Pollution Control: Requests the submission of a noise assessment and sound insulation scheme.

6 RELEVANT POLICIES AND GUIDANCE

6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.

6.2 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 taking 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 encourage the effective use of land that has been previously developed

Nottingham Local Plan (November 2005):

BE2 - Layout and Community Safety. Complies.

BE3 - Building Design. Complies.

BE4 - Sustainable Design. Complies.

H6 - Student Housing. Complies.

NE5 - Trees. Complies.

NE9 - Pollution. Complies.

R2 - Open Space in New Development. Complies.

ST1 - Sustainable Communities. Complies.

S5 - Retail development, Edge/Outside Centres. Complies.

T3 - Car, Cycle and Servicing Parking. Complies.

Building Balanced Communities Supplementary Planning Document

Monitoring of Student Households report (November 2011)

Planning Guidance for the Provision of Open Space within Developments
Supplementary Planning Guidance

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of student accommodation in this location;
- (ii) Design and external appearance of the extensions and alterations to the existing building;
- (iii) Residential environment for future occupants and impact upon neighbouring occupiers;
- (iv) Impact on the highway network.

(i) Principle of student accommodation in this location (Policies ST1, H6 and the Building Balanced Communities SPD)

- 7.1 Policy ST1 of the Local Plan seeks to provide and maintain balanced communities within the City, noting that family housing is particularly important to sustain local communities and support local schools as centres of communities. This is an aim which reflects the aspirations of the One Nottingham Sustainable Community Strategy. In addition, the Building Balanced Communities Supplementary Planning Document (BBC SPD) as reissued in March 2007 expands on Policies ST1 and H6.
- 7.2 The BBC SPD references that an area is in danger of becoming imbalanced if the percentage of student households exceeds 25% of the total number of households in that area (by leading to further over-concentrations of student households or increases in the problems associated with large numbers of students). The methodology in the SPD shows this and adjoining census output areas to have a concentration of 28.4% of student households. It should be noted, however, that the site itself lies within an output area with a concentration of 1.1%.
- 7.3 The BCC SPD advises that this formula should not result in an overly rigid and mathematical approach to decision making and should not be used as the sole determining factor for proposals in this regard. There is still a need for more purpose built student accommodation as evidenced by the latest Monitoring of Student Households report (November 2011). This suggests that, despite the number of purpose-built student bed spaces having increased significantly over the last year, general housing stock in the monitoring areas remains attractive to students. Whilst the report advises that the policy of encouraging students towards purpose-built accommodation can be seen to have stemmed large increases in student households in the general housing stock, a steady supply of new bed spaces in attractive purpose-built accommodation is required if there is to be a significant reduction in these numbers.
- 7.4 The BBC SPD also refers to exceptions being made where the development is located within a shopping frontage on a major radial route, where it assists in the regeneration and re-use of retail premises, such as conversion of redundant shops or accommodation above shops. Although the Old Peacock PH is not located within a shopping frontage, it is located on a radial route within a mixed commercial frontage, immediately opposite the local shopping centre, and it no longer has a viable future as a public house. The change of use and extension of the building to provide student accommodation will assist in the retention of the building, which is part of the historic fabric of Radford. The application site is in a highly sustainable

location, within easy access to both universities, and any concerns about the impact of students on the surrounding area can be alleviated through a management agreement, including a restriction on car ownership.

- 7.5 It is therefore considered that the principle of student accommodation is an appropriate use for the site and would accord with the BBC SPD and Policies ST1 and H6.

(ii) Design and external appearance of the extensions and alterations to the existing building (Policy BE3)

- 7.6 The Old Peacock PH is located in a prominent position on the north side of Ilkeston Road and makes a positive contribution to the streetscene, albeit its original context has changed following substantial clearance of properties in the vicinity in the 1960s. It is now one of the oldest surviving buildings on Ilkeston Road. The proposal does involve significant extensions to the building.
- 7.7 The design of the extensions has taken into account the character and appearance of the existing building to ensure that these are maintained. The extension to the Ilkeston Road frontage has in part been set back from the existing building to mark the break between the existing proposed, and to introduce a varied roof line which will be covered with slate to match the existing. The window details and materials on this elevation reflect those of the existing building.
- 7.8 The block to the rear of the existing building which fronts on to Blooms Grove Street and wraps around the northern boundary of the site is separated from the original public house building by a glazed link and the extension itself is of a more contemporary appearance. The proposed materials for this element are render and a mix of blue bricks with grey metal window frames and surrounds. The roof would be flat and would be clad with a grey roofing material which would wrap over the walls to form a feature edge.
- 7.9 The changes to the existing building primarily involve the replacement of the existing windows with grey upvc window frames.
- 7.10 Overall, it is considered that the design and appearance of the proposed extensions and the alterations to the existing building will maintain its character and will result in a scheme which overall will positively contribute to the streetscene on this part of Ilkeston Road. It will therefore satisfy Policy BE3.

(iii) Residential environment for future occupants and impact upon neighbouring occupiers (Policies BE3, H6 and NE9)

- 7.11 The proposed internal layout of the student accommodation makes effective use of the floorspace. Overall, the scheme provides a good standard of accommodation with all study bedrooms having a reasonable outlook and acceptable space standards. The communal kitchen/dining/living areas vary in size and location and again are considered to provide an appropriate standard of provision. Noise assessment and sound insulation conditions are recommended.
- 7.12 The nearest residential properties are Wolsey Avenue and Clayton Court which are located to the north and east of the application site, 28 metres and 23 metres away respectively. There is also some residential accommodation over the commercial properties on the south side of Ilkeston Road. It is not considered that the occupiers

of these properties will be adversely impacted upon by the development either by the physical impact of the extensions or the activity associated with it.

- 7.13 A student management agreement is to be provided as part of the S106 obligation. Amongst other aspects, the terms of this agreement aims to ensure that no noise, disturbance, or nuisance shall affect neighbouring occupants and that a point of contact is provided for the reporting of any disturbances caused by occupiers of the development.
- 7.14 To the north and west of the Old Peacock PH is a family contact centre. Children and young people along with their families and carers use the centre for contact which can be of a sensitive nature and requires close supervision. As a result of this there have been identified concerns about the possibility of the student accommodation overlooking this site. There a number of windows in rooms in the proposed extensions which could potentially overlook the family contact centre and to avoid this, the windows in study bedrooms have been angled away and those in corridors will be both obscure glazed and fixed closed. The extension to the north of the existing building is sited 2.4 metres away from the boundary and is mainly two storey with a three storey element facing on to the Blooms Grove Street. It is considered that the height and siting of this part of the scheme will not unduly affect the amenity the family contact centre.
- 7.15 Overall, it is considered that the scheme will provide an acceptable environment for the future occupiers and that it would not give rise to any significant additional impact to the amenities of nearby occupiers, particularly in view of the current public house use and the location of the site on a main arterial route. It therefore satisfies Policies BE3, H6 and NE9.

(iv) Impact on the highway network (Policies BE2, H6 and T3)

- 7.16 There is unrestricted off street car parking within close vicinity of the site which could potentially be used by students. However, it is proposed that the student management plan which will form part of the Section 106 Obligation will require that the development shall not be occupied by any person except on the condition that such person shall not keep or use a private motor vehicle, which accords with Policy H6.

Other Matters (Policies NE5 and R2)

- 7.17 A tree survey has been submitted with the application which assesses the impact upon the trees within the grounds of the adjacent family contact centre. A trial pit has been dug by hand to ascertain the location of tree roots. This has revealed that there are no tree roots in close proximity to the proposed extensions to the building and it is therefore considered that the trees will not be adversely affected by the development.
- 7.18 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space within Developments SPG, the Section 106 planning obligation is to secure a financial contribution of £18,119.25 towards the upgrade or improvement of off-site open space or public realm.
- 7.19 **Statement Required by Article 31(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.** In recommending the grant of planning permission for the development, the Local

Planning Authority has worked with the applicant in a positive and proactive manner.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 An Energy Statement has been submitted with the application which proposes to achieve the 10% reduction in carbon emissions either through the installation of PV panels on the south facing slope of the new block at the rear of the site or through a combined heat and power unit which could be installed within the cellar of the building. Subject to planning conditions requiring the provision of further details and implementation of the scheme, it is considered that the proposed measures accord with Policy BE4.

9 FINANCIAL IMPLICATIONS

A financial contribution is to be made in accordance with the Open Space Supplementary Planning Guidance.

10 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.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: bringing a vacant building back into use and providing student accommodation in an appropriate location that will help to release pressure on the traditional housing stock within the area.

Safer Nottingham – The proposal would assist community safety by increasing natural surveillance in this busy location and providing main frontage access.

14 CRIME AND DISORDER ACT IMPLICATIONS

Occupation of the unit would deter vandalism and improve surveillance of the street.

15 VALUE FOR MONEY

None.

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

1. Application No: 13/00430/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/00430/PFUL3>

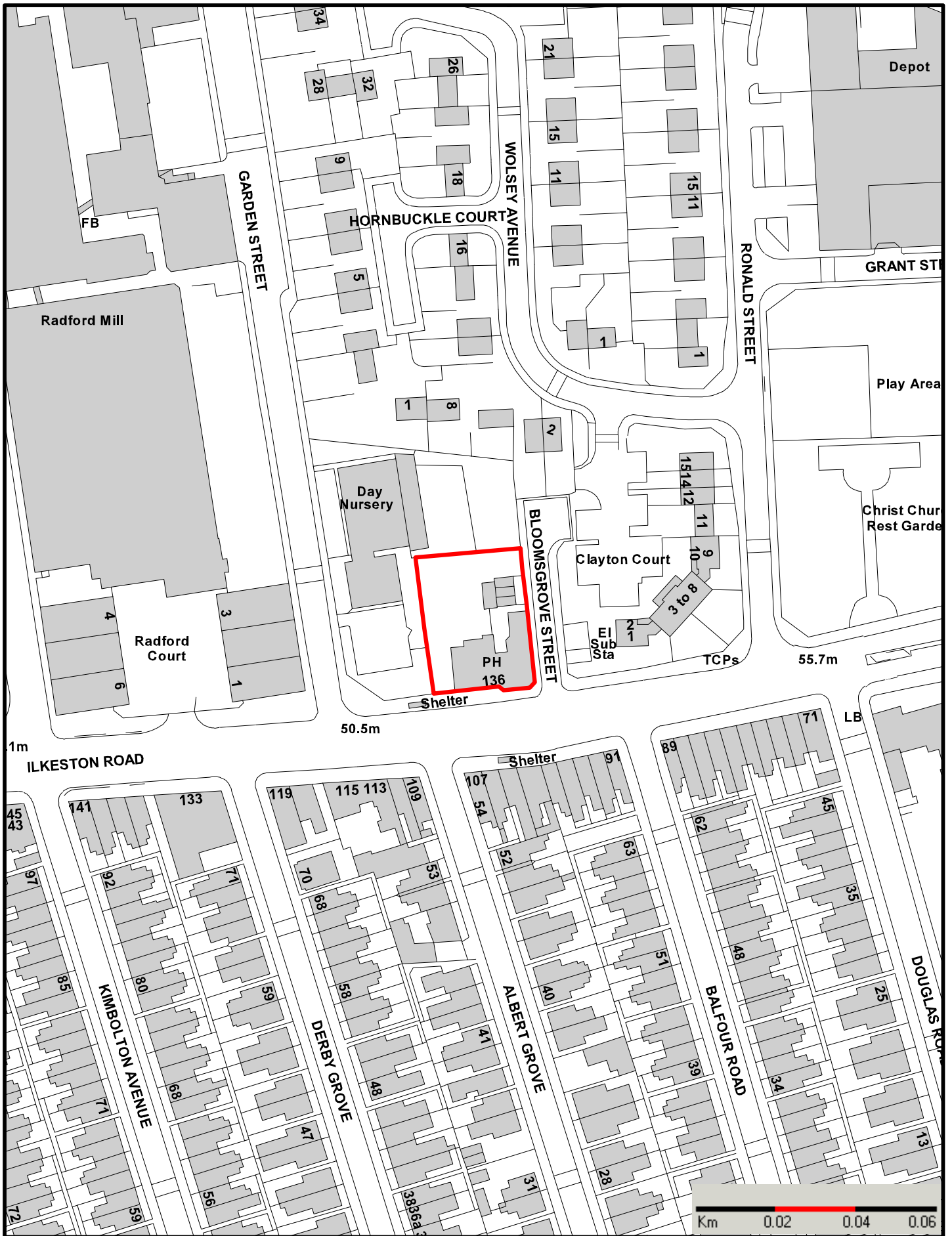
17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005)
2. National Planning Policy Framework.

Contact Officer:

Mrs J.M. Keble, Case Officer, Development Management.

Email: janet.keble@nottinghamcity.gov.uk Telephone: 0115 8764056



© Crown Copyright and database right 2013. Ordnance Survey License number 100019317



Nottingham
City Council

My Ref: 13/00430/PFUL3 (PP-02476724)
Your Ref:
Contact: Mrs J.M. Keble
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

Zenith Planning And Design
FAO: Alison Dudley
38 Greenhills Road
Eastwood
Nottingham
NG16 3DG

Date of decision:

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

Application No: 13/00430/PFUL3 (PP-02476724)
Application by: Mr Habib Ali
Location: The Old Peacock , Ilkeston Road, Nottingham
Proposal: Conversion and extensions to create student accommodation

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.

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.

Pre-commencement conditions

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



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

DRAFT ¹ ONLY
Not for issue

Continued...

2. Prior to the commencement of development an environmental noise assessment and details of sound insulation and acoustic ventilation measures, designed to protect residential occupiers of the development from noise, shall be submitted to and approved in writing by the Local Planning Authority. The noise assessment shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. The noise assessment shall be suitable and sufficient, take account for noise in the street and shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating.

The submission shall include 1/3rd octave band analysis, all assumptions made (e.g. glazing and façade areas) and be designed to achieve the following internal noise levels:

i. Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.

ii. Not more than 45dB L_{Amax} (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

Where noticeable low frequency noise is present the submission shall also be designed to achieve the following internal noise levels:

i. Not exceeding NR 30 for living rooms between the hours of 07.00 and 23.00;

ii. Not exceeding NR 25 bedrooms between the hours of 23.00 and 07.00.

Reason: To ensure that the occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.

3. Notwithstanding the details shown on the submitted plans the development shall not be commenced until details of all materials have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE3 of the Local Plan.

4. The development shall not be commenced until details of all new doors, windows and the gate to the courtyard including large scale sectional drawings at a scale of 1:20 have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Local Plan.

5. Notwithstanding the details provided in the submitted Energy Statement and prior to the commencement of the development, a detailed scheme identifying how the predicted CO₂ emissions of the development will be reduced by at least 10% through the use of an on site renewable energy supply shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and machinery to be provided in this regard and where and how this is to be installed on the building.

Reason: To provide 10% of energy by renewable means in accordance with Policy BE4 of the Local Plan.



6. The courtyard area shall not be laid out until details of the treatment of the courtyard area, including surfacing and landscaping, have been submitted to and approved by the Local Planning Authority.

The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the layout and appearance of the courtyard is satisfactory in accordance with Policy BE3 of the Local Plan.

Pre-occupation conditions

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

7. The development shall not be occupied until the approved renewable/low carbon energy scheme has been installed. Once the development is occupied the scheme shall be permanently retained and maintained and shall continue to provide energy for the development for as long as it remains.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policy BE4 of the Nottingham Local Plan.

8. The occupation of the student accommodation shall not be commenced until the approved sound insulation and complementary acoustical ventilation measures have been installed.

Reason: To ensure that the occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.

9. Prior to the first occupation of the building a detailed CCTV and lighting scheme shall be implemented in accordance with details that shall first have been submitted to and approved and in writing by the Local Planning Authority.

Reason: In the interests of community and site safety and in accordance with Policy BE3 of the Local Plan.

10. Prior to the first occupation of the building details of the appearance of the bin and cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The approved bin and cycle stores shall be installed prior to the first occupation of the building.

Reason: To ensure suitable facilities are provided on site in relation to bin storage and cycle stores and in accordance Policies BE3 and T3 of the Local Plan.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

11. The use of the ground floor office space shall be ancillary to the main use as student accommodation.

Reason: To ensure that the use does not undermine the vitality and viability of the nearby local centre in accordance with Policy S5 of the Local Plan.

Standard condition- scope of permission

- S1. Unless otherwise agreed in writing by the Local Planning Authority or 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 20 February 2013.

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.

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.

3. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

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.

RIGHTS OF APPEAL

Application No: 13/00430/PFUL3 (PP-02476724)

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.



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

DRAFT ONLY

Not for issue