

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Land At Former Elms Nursery School, Cranmer Street

1 SUMMARY

Application No: 13/01474/PFUL3 for planning permission

Application by: Zenith Planning And Design on behalf of Anne Staley Design Ltd

Proposal: 23 apartments with undercroft car parking.

The application is brought to Committee because officers are recommending the approval of the application without the full S106 planning obligations relating to public open space as required by adopted planning policies.

To meet the Council's Performance Targets this application should be determined by 19th September 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

3 BACKGROUND

- 3.1 The application site is an L shape site located to the west of Gordon House (student accommodation). The site wraps around the rear of a disused Caretaker's House, with Cranmer Street to the front and Elm Avenue to the side. The site was formerly occupied as part of the now vacant Elms Primary and Nursery School site. Access to the site is off Cranmer Street.
- 3.2 The site falls within the Elm Avenue/Corporation Oaks Conservation Area.
- 3.3 In 2002, a planning application for student accommodation (91 bed spaces) was refused planning permission on the grounds that the proposal would have led to an over-concentration of student accommodation in the area, to the detriment of local residents.
- 3.4 In 2003, planning permission was granted for two blocks. Block A to the rear of the site comprised 18 apartments. Block B, to the front (facing Cranmer Street) comprised a further five flats. That permission also included a small rear extension to Gordon House. The development was subsequently lawfully commenced by constructing foundations. As such, the permission remains extant and can be completed at any time.

- 3.5 Early in 2013, an application to vary a condition imposed on the 2003 permission was approved, allowing blocks A and B to be occupied for any purpose within Use Class C3.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal relates to Block A and is for a single block of five storeys. 23 apartments are proposed with the ground floor being used as undercroft car parking. The building would be positioned to the rear of the site. The front (Cranmer Street) part of the site, illustrated as Block B on the 2003 permission, is presently undeveloped.
- 4.2 The Block A part of the site approved under the 2003 permission was for 18 apartments over four storeys. The new Block A is for 23 apartments over five storeys. The increase in height is mainly due to the whole of the ground floor being used for parking. The fenestration of the block differs from the 2003 permission, due to changes in the internal layout, but is improved in that most apartments would have full height windows with Juliette style balconies to provide improved natural light and ventilation. Some apartments to the upper floors would have a terrace area. The building would be constructed mainly of brick with the topmost floor being clad. This differs from the 2003 permission where there were to be elements of render and timber panels.
- 4.3 Employment and training opportunities will arise from this development and the applicant has committed to working with the Council's employment hub to deliver local construction employment opportunities. 23 full time equivalent construction jobs would be provided.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Flats A, B, C and D, Elm House, Cranmer Street

Flats 1 to 8, 11 Cranmer Street

48 Elm Avenue

12, 13 and 14 Cranmer Walk

School House Elms Primary School, Cranmer Street

A site notice and press notice have been published.

Expiry date for consultations 24th July 2013.

One letter received enquiring about the start and end date for the proposed build.

Additional consultation letters sent to:

Pollution Control: No objections but recommend advisory note regarding contaminated land.

Highways: Following receipt of additional information – no objections.

Housing Strategy: No objections.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities – complies.

H2 – Density – complies.

H3 - Appropriate Housing Types – complies.

BE2 - Layout and Community Safety – complies.

BE3 - Building Design – complies.

BE4 - Sustainable Design – complies.

BE12 - Development in Conservation Areas – complies.

T3 - Car, Cycle and Servicing Parking – complies.

National Planning Policy Framework – complies.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of development;
- (ii) Building design, access and layout, and impact on the conservation area;
- (iii) S106 planning obligations

Issue (i) Principle of development (Policies ST1, H2 and H3)

- 7.1 The site is identified as being allocated as a Primarily Residential Area in the Local Plan and as such the principle of residential development is acceptable. The development is also established through the 2003 permission. The new Block A accommodation would consist of 18 two bed and 5 one bed apartments arranged over the upper four floors of the building. The mix of accommodation is acceptable in this area and would provide a good standard of living accommodation with each apartment having an outlook and some having access to a small terrace and others a small balcony.

Issue (ii) Building Design, Access and Layout, and Impact on the conservation area (Policies BE2, BE3, BE12 and T3)

- 7.2 The new Block A would be constructed of brick with the topmost floor being set back so as to reduce massing. The colour of the brick hasn't been agreed, but this is likely to be a red to compliment the red brick on Gordon House, the Caretaker's house and the brick that has been approved for Block B. The window framing and balconies have been designed to give interest to the building without being bulky. The materials proposed in the 2003 permission included render and timber panels,

with large windows (Blocks A and B). The proposed materials on the new Block A do not include contrasting panels as a simpler treatment is the preferred approach. Given that Block A will be set behind Block B, the slightly different approach to the design is considered to be acceptable. The 90mm deep window reveals will help to provide interest. The proposal meets the aims of the NPPF by ensuring that the development is of a good design, contributing positively to the quality of the area.

- 7.3 The access and layout of the site has not changed greatly from that approved in 2003. The layout for Block A would allow for the Block B to be developed at a future time, with or without the inclusion of the caretaker's house adjacent. The development is capable of coming forward as one, or individually, without detriment to the appearance of the street scene or the character or appearance of the conservation area.
- 7.4 The 2003 permission proposed 23 car parking spaces for 23 apartments over the whole site (two blocks). In specific relation to Block A, eight spaces were proposed to be under croft spaces while a further eight spaces were proposed to the side. 22 car parking spaces are proposed for the new 23-apartment Block A. If the Block B were to be developed for five apartments, as per the extant 2003 permission, this would provide an additional seven spaces. 12 cycle parking spaces within the car parking area would be provided for occupiers of Block A.
- 7.5 The site is in a sustainable location, being close to public transport routes and within reach of facilities such as shops and walking distance of the City centre. Given this, the proposed provision of car and cycle parking across the site is considered to be sufficient for the development, irrespective of whether the scheme is implemented piecemeal, or as a whole.
- 7.6 In terms of waste management arrangements, it is proposed that a refuse and recycling store be provided adjacent to the car parking area. A caretaker would be responsible for ensuring that the relevant bins are taken to a collection area which would be adjacent to the public highway, within the site.

Issue (iii) S106 Planning Obligations (Policy R2)

- 7.7 While the 2003 permission did not include provision for on or off-site public open space, policy R2 advises that planning obligations should be negotiated to secure a contribution from developers to make provision for additional areas of publicly accessible open space, where there is a need created by the development.
- 7.8 The applicant has submitted information to show that the scheme would be unviable and unlikely to be brought forward for development if a Section 106 Agreement were to be insisted upon. The development has not come forward since the 2003 planning approval and the fact that these revisions to Block A are now proposed, which would help to make the scheme more profitable to develop, shows that viability is a key concern. Immediately adjacent to the site is Elm Avenue, a tree-lined avenue for pedestrians only which leads from Mansfield Road to the Bellevue Reservoir. Beyond this, within easy reach, is the Forest Recreation Ground. Given this, future residents would be reasonably well catered for in terms of off-site open space provision.
- 7.9 The benefits of bringing the site forward are considered to be more important in this particular instance than the need for a contribution towards off-site public open space. A relaxation of the normal policy requirements is therefore considered to be justified for this scheme.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The application site is close to the district heating system however connection is not possible as the heat network connection in the immediate vicinity is insufficient in size to be able to support any additional connection. Solar photovoltaic panels are the chosen method of renewable energy technology and would achieve over the 10% target.

9 FINANCIAL IMPLICATIONS

None.

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

The proposal would ensure delivery of housing in the area and provide local construction employment opportunities.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 13/01474/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01474/PFUL3>

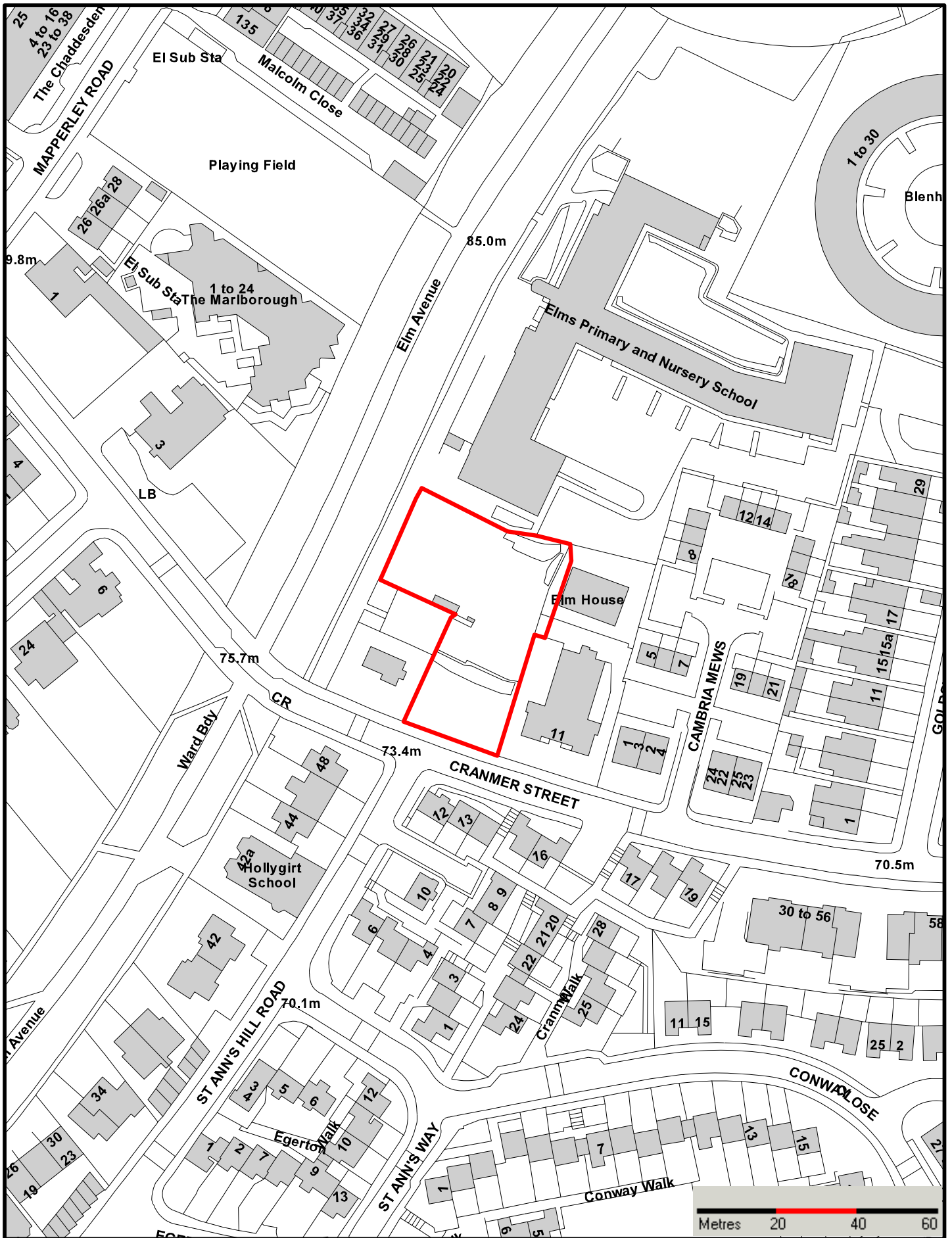
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs S. Davis, Case Officer, Development Management.

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13/01474/PFUL3
Elms Nursery School, Cranmer Street



Nottingham
City Council

My Ref: 13/01474/PFUL3 (PP-02710211)
Your Ref:
Contact: Mrs S. Davis
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Date of decision:

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

Application No: 13/01474/PFUL3 (PP-02710211)
Application by: Anne Staley Design Ltd
Location: Land At Former Elms Nursery School, Cranmer Street, Nottingham
Proposal: 23 apartments with undercroft car parking.

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)

2. The development hereby permitted shall not be begun until details of a sustainable urban drainage scheme for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.



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3. The development shall not be commenced until details of a landscaping scheme with proposals for management and maintenance, including the type, height, species and location of the proposed trees and shrubs, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the appearance of the development be satisfactory to comply with Policy BE3 of the Nottingham Local Plan.

4. The development shall not be commenced until details of areas to be hard landscaped, including the proposed parking areas and access road, which should be of permeable materials, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policies BE3 and BE12 of the Nottingham Local Plan.

5. The development shall not be commenced until details of all external materials including cladding, bricks and window frames have been submitted to and approved in writing by the Local Planning Authority.

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

6. The development shall not be commenced until details of the location and design of the solar photovoltaic panels have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policies BE3 and BE12 of the Nottingham Local Plan.

7. The development shall not be commenced until details of all boundary enclosures have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policies BE3 and BE12 of the Nottingham Local Plan.

8. The development shall not be commenced until a construction plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of delivery vehicles to/from the site, haul routes (if any), site security, traffic management plans, measures to prevent the deposit of debris on the highway, working times and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy BE2 of the Nottingham Local Plan.

Pre-occupation conditions

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

9. The apartments shall not be occupied until the agreed method of renewable energy technology have been installed and are operational in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development to comply with Policy BE4 of the Nottingham Local Plan.



10. The apartments shall not be occupied until the hard landscaped areas have been carried out in accordance with the details approved by the Local Planning Authority.

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

11. The apartments shall not be occupied until the car parking, cycle parking and servicing areas have been completed.

Reason: In the interests of highway safety to comply with Policy BE2 of the Nottingham Local Plan.

12. The apartments shall not be occupied until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.

13. The apartments shall not be occupied until the boundary enclosures have been erected in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policies BE3 and BE12 of the Nottingham Local Plan.

14. The apartments shall not be occupied until the bin storage and collection areas have been completed.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of highway safety to comply with Policies BE2, BE3 and BE12 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

15. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the apartments or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policies BE3 and BE12 of the Nottingham Local Plan.

16. The method of generating renewable energy as approved shall be permanently retained and maintained so as to continue to provide energy for the development for as long as the buildings remain, unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of sustainable development to comply with Policy BE4 of the Nottingham Local Plan.

17. The flats shall not be used other than for the purposes defined in Class C3 of the Town and Country Planning (Use Classes) Order 1987 and as amended by the Use Classes (Amendment) Order 2005.



Reason: In the interests of ensuring that the development contributes to creating and maintaining a sustainable community in accordance with Policy ST1 of the Nottingham Local Plan.

Standard condition- scope of permission

- S1. The development shall be carried out in complete accordance with the details described in the following drawings/documents:
- General reference PRECEDENT IMAGE 1, received 24 June 2013
 - General reference PRECEDENT IMAGE 2, received 24 June 2013
 - Plan reference TOPOGRAPHICAL SURVEY revision 02 S01, received 24 June 2013
 - Planning Layout revision 20 S01 A, received 24 June 2013
 - General reference WINDOW REVEALS revision 08 001, received 30 July 2013
 - Planning Layout reference PROPOSED GRD 1ST AND 2ND FLOOR revision 20 001 D, received 30 July 2013
 - Planning Layout reference PROPOSED 3RD 4TH ROOF PLANS revision 20 002 D, received 30 July 2013
 - General reference SECTIONS revision 21 001 B, received 30 July 2013
 - General reference SECTIONS revision 21 002 A, received 30 July 2013
 - Elevations reference PROPOSED revision 21 003 D, received 30 July 2013
 - General reference VISUAL revision courtyard, received 30 July 2013
 - General reference VISUAL revision Elm Avenue, received 30 July 2013
 - General reference VISUAL revision Cranmer Street, received 30 July 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. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is strongly recommended to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial preventive or precautionary measures. The developer will be expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.
4. Prior to works commencing on site the Highways Network Management team at Loxley House should be notified regarding when the works will be carried out. Please contact them on 0115 8765238. All associated costs will be borne by the applicant. It is strongly advised to contact them at the earliest possible opportunity to discuss the requirements of the Construction Management Plan.

5. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring during construction works.

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.



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RIGHTS OF APPEAL

Application No: 13/01474/PFUL3 (PP-02710211)

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.



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