

NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday 23 October 2013

Time: 2.30pm

Place: Ground Floor Committee Room at Loxley House, Station Street

Councillors are requested to attend the above meeting on the date and at the time and place stated to transact the following business.



Deputy Chief Executive/Corporate Director for Resources

Constitutional Services Officer: Martin Parker Direct dial - 8764303

A G E N D A

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTERESTS

3 MINUTES

Last meeting held on 18 September 2013 (for confirmation)

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4 PLANNING APPLICATIONS - REPORTS OF DIRECTOR OF PLANNING AND TRANSPORT

(a) 6 ILKESTON ROAD

Demolition of existing building and construction of student accommodation comprising 99 bedspaces with associated social space and retail unit to ground floor.

(i) Planning Permission

(ii) Local Conservation Area Consent

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(b) LORNA COURT, MARY COURT AND THE CROFT ALBERT ROAD AND MAYHOLME ALEXANDRA PARK

13 dwellings and alterations and conversion to create 4 dwellings

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(c) GROVE FARM SPORTS GROUND LENTON LANE

Demolition of existing buildings and associated works. Creation of two new sports pavilions/changing rooms, formation of parking area and change of use of part of agricultural land to use as playing fields

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(d) WORLD OF MOWERS 701 WOODBOROUGH ROAD

Demolition of existing showroom and workshop. Erection of restaurant with drive through facility, car park and amended access

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(e) MOULDERS ARMS BOVILL STREET

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(f) NOTTINGHAM LAWN TENNIS CLUB TATTERSHALL DRIVE

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(g) CLIFTON HALL, HOLGATE

Conversion of hall to 2 residential dwellings. Erection of 14 residential dwellings to replace annexe to south-east of Hall. (Variation of condition 18 of planning permission reference 05/01759/PVAR3 to allow the retention of a hedge planted alongside Clifton Hall Drive)

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5 LAND AND PLANNING POLICIES DEVELOPMENT PLAN DOCUMENT - PREFERRED OPTION CONSULTATION

Report of Director for Planning and Transport

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IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES.

PLANS RELATING TO ITEMS ON THE AGENDA WILL BE AVAILABLE FOR INSPECTION BY COUNCILLORS BETWEEN 1.00 PM AND 1.30 PM IN THE COMMITTEE ROOM GROUND FLOOR, LOXLEY HOUSE

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<http://open.nottinghamcity.gov.uk/comm/default.asp>

PLANNING COMMITTEE

MINUTES of the meeting held at Loxley House on 18 SEPTEMBER 2013 from 2.33pm to 4.51pm

- ✓ Councillor Chris Gibson (Chair)
- ✓ Councillor Gul Khan (Vice-Chair)
- ✓ Councillor Liaqat Ali
- ✓ Councillor Cat Arnold (minutes 37-39, 41-44)
- ✓ Councillor Graham Chapman (minutes 37-44)
- ✓ Councillor Azad Choudhry (minutes 37-42)
- ✓ Councillor Alan Clark
- ✓ Councillor Emma Dewinton
- ✓ Councillor Michael Edwards
- ✓ Councillor Ginny Klein (minutes 37-44)
- ✓ Councillor Sally Longford
- ✓ Councillor Ian Malcolm (minutes 37-45)
- ✓ Councillor Eileen Morley (minutes 37-44)
- ✓ Councillor Roger Steel
- ✓ Councillor Malcolm Wood

✓ indicates present at meeting

Colleagues, partners and others in attendance

- Paul Seddon - Head of Development Management and Regeneration)
- Rob Percival - Area Planning Manager)
- Laura Cleal - Development Control Support Traffic Management)
- Nic Thomas - Area Planning Manager) Development
- Matt Gregory - Growth Point Planning & Planning Policy Manager)
- Nigel Turpin - Heritage and Urban Design Manager)
- Judith Irwin - Senior Solicitor) Resources
- Rav Kalsi - Constitutional Services Officer)

37 APOLOGIES FOR ABSENCE

None

38 DECLARATIONS OF INTERESTS

Councillor Ian Malcolm advised the Committee that he had an interest in agenda item 4(d) (Radford Mill, Northern Site, Norton Street) as his spouse is an employee of the applicant, Nottingham Community Housing Association (NCHA). Councillor Malcolm

considered that, in view of NCHA's involvement in the proposed scheme, it would not be appropriate for him to be involved in determining this application and he withdrew from the meeting prior to discussion of the item.

Councillor Roger Steel advised the Committee that he had an interest in agenda item 4(f) (Grove Farm Sports Ground, Lenton Lane) owing to his previous association with Dunkirk Football Club, which was situated near to the application site. He was no longer involved with that football club in an official capacity. Councillor Steel considered that such an interest would not prevent him from keeping an open mind when determining the application.

Councillor Chris Gibson advised the Committee that he had been lobbied in relation to agenda item 4(f) (Grove Farm Sports Ground, Lenton Lane) having received email and telephone contact from an objector prior to the Committee meeting. Councillor Gibson reported that he had listened to the points made but expressed no view and he considered in those circumstances that he had not been prevented from keeping an open mind when determining the application.

39 MINUTES

The Committee noted that the draft minutes had only recently been circulated and requested their earlier despatch to enable timely consideration before the meeting. The Committee confirmed the minutes of the meeting held on 21 August 2013 as a correct record and they were signed by the Chair.

40 PLANNING APPLICATION – LAND TO SOUTH OF NOTTINGHAM BUSINESS PARK, WOODHOUSE WAY

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transportation on application 13/01703/POUT submitted by Antony Aspbury Associates Ltd on behalf of Wilson Bowden Developments Ltd for outline planning permission for up to 300 dwellings together with open spaces, vehicular accesses and service infrastructure.

Mr Percival reported the following information and changes since the publication of the agenda:

1. That the Environment Agency had removed its objection to the application following the submission of further information from the applicant and had recommended that conditions relating to flooding, contamination and drainage be considered.

It was proposed to amend the recommendations to delete condition 6 from the draft decision and substitute the following three conditions:

- (i) "Prior to the commencement of the development a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall demonstrate and/or include:

- (a) The utilisation of holding sustainable drainage techniques;
- (b) Two forms of surface water treatment prior to discharge from the site;
- (c) The limitation of surface water run-off to equivalent greenfield rates;
- (d) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
- (e) Timetable for implementation; and
- (f) Responsibility for the future maintenance of drainage features.”

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures, in accordance with Policies NE2 and NE10 of the Local Plan.

- (ii) “The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.”

Reason: To reduce the risk of surface water pollution in accordance with the aims of Policy NE10 of the Local Plan.

- (iii) “If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.”

Reason: To reduce the risk of groundwater pollution in accordance with the aims of Policy NE10 of the Local Plan.

- 2. That the Coal Authority was satisfied with the amended information from the applicant and recommended a condition in relation to former mine workings be agreed. It was proposed that condition 23 be deleted and the following condition be substituted:

“Prior to the commencement of development the measures outlined in paragraphs 3.19 to 3.27 of the Mineshaft Investigation Report (WBP474E/03/V2) shall be implemented and written verification that the approved measures have been carried out shall be submitted to and approved in writing by the Local Planning Authority.”

Reasons: In the interests of land stability and safety and in accordance with the aims of Policy NE12 of the Local Plan.

- 3. That High Speed Two (HS2) Ltd had advised that given the current stage of design and current consultation on the proposed Phase Two route, it would not at this stage wish to make any specific comments on the application.

4. That Nottinghamshire County Council, as highway authority for areas adjacent to the site, had confirmed that it had no objections in principle to the development as there would be no material impact on the existing County Council's highway network.
5. That the Noise and Pollution Control section had made a final assessment of the noise report including supplementary submissions from the applicant, and recommended an alternative condition 3 as follows:

“Prior to the occupation of each dwelling the approved sound insulation and complementary acoustical ventilation scheme, so far as it relates to that specific dwelling, shall be implemented in accordance with the Noise Assessment (carried out by Hoare Lea in Feb 2013, and updated August 2013) and further supplemented by the email from Hoare Lea (dated: 05/09/2013). The approved sound insulation and complementary acoustical ventilation scheme shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied. At the completion of each phase of development, as approved pursuant to condition 2, the applicant shall provide written verification that the approved measures have been installed for all dwellings within that phase.”

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy NE9 of the Local Plan.

6. That following the submission of a revised Design Code, the Urban Design Manager had commented as follows:

“The revised Design Code has made significant improvements in establishing the design parameters and principles to supplement the Masterplan and inform the reserved matters application. The document identifies three main character areas which will vary in density and architectural style and responds to both the existing and proposed open space within and surrounding the site. There is also a clear logic to the hierarchy of the streets, which will add to the character of the development. However, in places the Design Code exhibits examples that would not be acceptable in any reserved matters application. Specifically in relation to street character the absence, in places, of well designed and defined front boundary treatment, street trees and build outs. In addition whilst the Code refers to boundary walls and railings as being a proposed boundary treatment it is ambiguous that this will be the primary solution, though it is acknowledged that the rural edge character zone dictates that alternatives would be appropriate in this area”.

In response, Planning Services advised that the Design Code was considered to be largely acceptable but the reservations expressed by the Urban Design Manager on very specific aspects were supported. This was an outline application whereby the detail was reserved for consideration at a later submission. Nonetheless the Design Code formed the framework for future submissions and therefore it was considered appropriate to impose the suggested condition to ensure that the Design Code was amended so that all parties could progress to the reserved matters stage within an approved framework and with confidence. Having regard to the above it was recommended that the following condition be imposed:

“Notwithstanding the submitted amended Design Code (received 16 September 2013), prior to the submission of the first reserved matters application, a revised Design Code shall be submitted to and approved in writing by the Local Planning Authority. The subsequent reserved matters application/(s) shall be submitted in accordance with the approved revised Design Code unless otherwise agreed in writing with the Local Planning Authority.”

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policies R2, BE1, BE2, BE3, BE5 and T3 of the Local Plan.

7. That following discussion with the applicant it was now proposed to secure the detailed design of the on-site open space via condition, as opposed to an obligation in the Section 106 Agreement. Condition 16 of the draft decision notice already required landscaping proposals for these areas, but it was proposed to add a condition to cover play and any other equipment, seating, bins etc and to include a requirement for management and maintenance regimes to be approved for open space areas, as follows:

“Prior to the occupation of the first dwelling, detailed design, management and maintenance proposals for the public open space and other areas of public realm/amenity land including play equipment, seating and bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and in line with the phasing plan approved pursuant to condition 2.”

Reason: To ensure that the layout and appearance of the open space elements of the development will be satisfactory in accordance with Policies R2, BE1, BE2, BE3 and BE5 of the Local Plan.

8. That Graham Allen MP for Nottingham North had requested that the decision as to whether to permit housing on this site and other sites within this area be delayed whilst a more strategic approach to housing/employment development was considered. He commented that Nottingham North was a fundamentally unbalanced community compared to East and South, with massive over provision of housing and very little industry, commerce and office space. To permit housing on the Business Park site would make this imbalance even worse. A broader long-term strategy to encourage jobs and training was required in this area.

In response, Planning Services advised that the justification for permitting an alternative land use was set out in detail in the report. It was not considered reasonable to impose a moratorium on housing development in this area whilst any wider strategic assessment was undertaken and instead this application had to be considered on its merits.

9. That a local resident had objected to the application stating that rush hour traffic already caused serious congestion in this area. Creating more traffic on the A6002 would make matters worse & would also create a road safety issue. In response, Planning Services advised that this had been addressed within the report.

The Committee supported the application and raised the following points in discussion:

- (a) The proposal met the full Affordable Housing policy requirement, which should include a sufficient number of properties specifically for elderly residents. An assessment of the availability of health provision in the area had been carried out and the three GP practices covering the area all reported having surplus capacity;
- (b) The maximum financial contribution towards education provision in the area is proposed via the S106 agreement;
- (c) In considering the impact of the development upon traffic in the area, Mr Percival confirmed that a full transport assessment had been carried out and no objection had been raised by the relevant highways authorities;
- (d) The delivery of local employment and training opportunities during the construction phase was to be secured as detailed within the report;
- (e) The design quality of the detailed scheme needed to be high and the proposed condition to secure a stronger design code was welcomed;
- (f) Assurance was sought and provided in relation to the treatment of archaeology, drainage/hydrology and of the previously mined bell pits.

RESOLVED

(1) to grant planning permission, subject to:

(a) prior completion of a Section 106 Planning Obligation, to include:

- (i) the provision of on-site affordable housing;**
- (ii) a financial contribution towards education provision;**
- (iii) a financial contribution towards improvements to public transport and sustainable transport measures;**
- (iv) a financial contribution for off-site provision or improvement of open space or public realm.**

(b) the indicative conditions, substantially in the form of those listed in the draft decision notice, and the additional and substitute conditions noted above;

(2) to delegate power to the Director of Planning and Transport to determine the final details of the Planning Obligation and conditions;

(3) to confirm that the Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the Planning Obligation sought is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

41 PLANNING APPLICATION – LAND AT KINGSTHORPE CLOSE, KILDARE ROAD

Nic Thomas, Area Planning Manager, introduced a report of the Director for Planning and Transportation on applications 13/01367/PFUL3 for planning permission, submitted by Bm3 Architecture Ltd on behalf of Keepmoat Homes Ltd for the development of 70 dwellings, consisting of 66 two storey and 4 three storey properties and associated works.

Mr Thomas reported the following information and changes since the publication of the agenda:

1. That final Highways comments had been received following full assessment, namely:

“In order to ensure that the layout of the development is satisfactory, additional conditions are recommended to ensure that parking areas are provided prior to occupation along with details of materials for surfacing to ensure that the hard surfacing is permeable. Amended wording for the condition relating to construction method statement is also recommended to ensure minimal disturbance to occupiers of nearby property and to the public highway”.

2. That additional information had been submitted by the agent to address issues relating to gas and ground contamination, in order to avoid the need for conditions relating to these issues to be imposed or to be as onerous. The Noise and Pollution Control Section was satisfied with the information submitted and suggested alternative conditions to ensure compliance.

In response, Planning Services suggested that in accordance with the advice of the Noise and Pollution Control Section, the recommended conditions relating to gas and ground contamination be removed or amended, as appropriate.

The Committee supported the application, and raised the following points in discussion:

- (a) Several Councillors welcomed the relocation of larger houses overlooking the play space;
- (b) Councillors welcomed the developer’s commitment to the provision of good quality equipment for the open space and Mr Thomas advised that discussions with the developer regarding a commemorative feature for the development were ongoing as part of negotiating details of open space;
- (c) Several councillors emphasised the need for robust fencing to Astley Drive and asked that Planning Services highlight to the developer the challenging drainage issues on the site;
- (d) Councillors welcomed the delivery of local employment opportunities during the construction phase of the development;
- (e) The overshadowing effect of trees on the proposed dwellings was recognised as a key issue. Mr Thomas advised that a condition will be included to ensure that trees

within the application site are managed. In relation to trees on land adjacent to the application site which was outside the developer's control, the Council was continuing to liaise with the landowner to achieve a satisfactory resolution.

RESOLVED

- (1) to grant planning permission, subject to conditions substantially in the form of those listed in the draft decision notice;**
- (2) to delegate power to the Director of Planning and Transportation to determine the final details of the conditions.**

42 PLANNING APPLICATION – SITES AT HOBART CLOSE AND PITCAIRN CLOSE, THE MEADOWS

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transportation on applications 13/01718/PFUL3 and 13/01719/PFUL3 submitted by Marsh Grochowski on behalf of William Davis Limited for 33 dwellings on Hobart Close and 34 dwellings on Pitcairn Close.

Mr. Percival reported that there had been a change since the publication of the agenda. As a result of amendments to the layout, the number of dwellings in the Pitcairn Close scheme had reduced from 35 dwellings to 34 dwellings. The description of the proposal for the Pitcairn application was therefore amended accordingly. The first sentence of paragraph 7.9 of the report should therefore read:

“The overall scheme delivers 38 affordable dwellings out of a total of 67 and therefore more than satisfies the requirement for a minimum of 20% affordable housing to be provided on site in accordance with Policy H5”.

The Committee raised the following issues in discussion:

- (a) Committee members debated the question of the appearance of the buildings suggesting that the applicant re-consider whether alterations should be made to make the 3 storey corner blocks more striking, with particular reference to the fenestration and the detailing. It was concluded that this matter should merely be raised with the applicant, rather than requiring changes for subsequent approval by either the Committee or officers;
- (b) With reference to the Force Architectural Liaison Officer's comments as part of the consultation process, it was noted that crime had halved in the Meadows in recent years. Historic problems with crime and antisocial behaviour which unfortunately afflicted some public footpaths in the older part of the Meadows did not similarly affect small alleyways used by only a few neighbours. The latter arrangement is proposed for this scheme.

RESOLVED

- (1) to grant planning permission, subject to conditions substantially in the form listed in the draft decision notice;**

- (2) to delegate power to the Director of Planning and Transportation to determine the final details of the conditions.

43 PLANNING APPLICATION – ST THOMAS MORE ROMAN CATHOLIC CHURCH, GLENWOOD AVENUE

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transportation on application 13/01515/PFUL3 submitted by Radleigh Group on behalf of Nottingham RC Diocesan for a replacement church and 18 houses on the site.

Mr Percival reported the following information and changes since the publication of the agenda:

1. That in response to the comments of the Council's Biodiversity Officer and Nottinghamshire Wildlife Trust, the applicant had submitted an updated Ecological Report and Design and Access Statement. This had been provided to further justify that the impact of the development on the badgers was acceptable. This included a separate ecological consultant's opinion (in addition to the main ecologist used by the applicant) that the site provided very limited foraging habitat for the badgers and that foraging primarily occurred off-site. The additional emergence bat survey requested by the biodiversity officer had also been provided.

Following the submission of the additional ecological information the Council's Biodiversity Officer had provided comments stating that the revised information was a more comprehensive assessment but failed to persuade that the impact of the development on the badgers was acceptable.

In response, Planning Services stated that the additional information submitted by the applicant in relation to ecological matters built on their justification for the proposals and argued that the impact on the badgers when assessed in the context of the mitigation provided was acceptable. The advice of the Council's Biodiversity Officer was that there had been no significant alteration to the scheme and the intensity of the built development would have an unacceptable impact on the badgers' environment, which was not satisfactorily mitigated.

2. A resident on Burnbreck Gardens had raised a security concern about the badger corridor that was proposed between the rear/side of plots 15-18 and the properties on Burnbreck Gardens. It was raised that this may offer an opportunity for burglars and queried how this matter would be resolved.

In response to the security issue raised by the resident, Planning Services suggested that in the event of approval a condition could be imposed to ensure that the badger foraging corridor was suitably designed and planted to limit access.

The Committee raised the following points in discussion:

- (a) Whilst expressing sympathy with the church and not opposing the principle of residential development in this location, in light of the concerns expressed in the report Councillors took the view that the intensity of the development would have an unacceptable impact upon the badger population;

- (b) It was considered that insufficient detail in relation to the design of the church had been provided to allow the Committee to determine whether that part of the application scheme was acceptable. In light of this, an additional ground for refusal was required in the decision notice.

RESOLVED to refuse planning permission for the following reasons:

- (1) **the proposed development would cause significant harm to the welfare of the existing badger population on the site through proximity of the development and significant reduction of established foraging area. The proposals fail adequately to mitigate or compensate for this harm and the benefits of the development are not considered to outweigh the harm caused. Accordingly the proposal is considered contrary to Paragraph 118 of the NPPF and policy NE3 of the Local Plan;**
- (2) **Insufficient information and visuals have been provided to demonstrate that the design and appearance of the church are of a quality that is appropriate to the site and surrounding area, in accordance with policy BE3 of the Nottingham Local Plan (2005) and paragraphs 17 and 56-64 of the National Planning Policy Framework.**

44 PLANNING APPLICATION – GROVE FARM SPORTS GROUND, LENTON LANE

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transportation on application 13/01313/PFUL3 submitted by CPMG Architects on behalf of the University of Nottingham for 2 new sports pavilions/changing rooms following demolition of existing buildings and associated works. The application also included the formation of a parking and the change of use of part of agricultural land to use as playing fields.

Mr Percival reported the following updates since the publication of the agenda:

1. Two objections had been received from one local resident. The second email was submitted with a letter that the resident had received from English Heritage apparently in response to his request for the farm buildings to be listed, and had been copied to a number of City Councillors and external bodies, including the Secretary of State requesting the application be called in.

The emails identified the following concerns:

- Comments were misrepresented in the Committee report;
- There were overlapping issues with the wind turbine application in Broxtowe Borough Council which was pending an appeal decision. The proposal should be deferred until the outcome of appeal was known;
- No reference was given to separate consultees; as such the report lacked balance;
- No visuals of the application had been provided from the Clifton Side of the river;
- The vantage points of Thane Road and the footpath and cycle route were raised. The removal of the soil heap would further improve views of the existing farm buildings from these locations:

- The nearby Site of Importance for Nature Conservation (SINC) and works undertaken at Queens Park and Ride had not been referred to;
- Tree planting should be with native species;
- There had not been sufficient time to view the design revisions online;
- It was questioned where the ground maintenance equipment would be stored following demolition of the buildings;
- The non-designated heritage assets of the grove farm buildings were appreciable to the setting of Clifton's frontline Green Belt.

In response, Planning Services noted the following:

- It was considered that the comments were accurately summarised;
- The outcome of the Broxtowe wind turbine appeal would have no bearing on the current proposal which was located on separate land;
- Heritage and Urban Design colleagues had been involved in design discussions throughout the process. An Archaeological watching brief condition would be included in the decision notice. There was no requirement to consult English Heritage. Tree Officer Comments were included in the update sheet and were now covered in a recommended condition;
- Visuals were provided from key vantage points;
- The loss of the farm buildings was addressed in section 4 of the Committee report;
- The site was not located within or close to the SINC;
- Works undertaken at The Park and Ride were of no relevance to this development;
- A landscaping condition was included and native species would be encouraged;
- The revised images were emailed to the resident as soon as they were available and uploaded to the website;
- The applicants had advised that some large plant and equipment was stored externally on hard standing areas that exist and it was intended that this approach continued, though with improved management. The storage and management of smaller items and general equipment would be managed using grounds maintenance and stores at University Park or Triumph Road, as well as office space and general stores which would be available in the old farm house, which would not be used as wet changing rooms in the future;
- The impact of the development upon the Green Belt and was addressed in the main body of the Committee report.

The English Heritage letter forwarded by the objector clarified that the buildings did not meet the high threshold necessary for listing designation, but that Grove Farm should be recognised as a heritage asset. As EH had advised in their letter, Local Planning Authorities were required to consider the significance of non-designated heritage assets and the scale of harm or loss they face, in accordance with the NPPF and local planning policies with advice from relevant Officers. This consideration was set out in Section 4 of the report.

2. That a letter had been received from Save Britain's Heritage requesting the application be refused. This was on the basis that the site as a group of farm buildings possessed a heritage value which increased with the Royal association. Edward Prince of Wales was responsible for the buildings which were proposed to

be demolished. An alternative proposal which retained the farm buildings should be sought. The buildings could be adapted and reused. Should permission be granted it was requested that high quality materials and design were used to ensure the development complemented the farmhouse and that the integrity of setting was retained.

In response, Planning Services confirmed that the loss of the farm buildings was addressed in section 4 of the Committee report. Alternative appropriate materials had been sought for the Pavilions which would be appropriate to the setting of the farmhouse.

3. As part of the August Update Sheet a further condition was recommended by the EA to require details of foul sewage to be submitted to the Local Planning Authority, but this has been omitted from the draft decision notice. The recommendation would be amended to include this condition.

The Committee raised the following points in discussion:

- (a) Several Committee members criticised the proposed design of the new sports pavilions as unimaginative and felt that the proposals did not portray a significant re-design which had been requested by the Committee in August;
- (b) Committee members also made positive reference to appearance of the existing Grove Farm outbuildings and that the proposals should perhaps include lighter coloured materials to reflect the appearance of the farmhouse;
- (c) If the scheme were to be approved, consideration should be given to including a construction management plan as part of the proposals effectively to deal with contractors;
- (d) Whilst the applicant did not own the whole of the access track leading to the application site, consideration should be given to improving it, perhaps with passing bays on land within their ownership.

RESOLVED to defer consideration of the application to a future meeting to seek a significant re-design of the new sports pavilions/changing rooms.

45 PLANNING APPLICATION – CALOR GAS LTD, ABBEYFIELD ROAD

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transportation on application 13/01375/PFUL3 submitted by CBW Design Ltd on behalf of Sandiccliffe for a new car dealership including a showroom, workshop and ancillary facilities.

Mr Percival reported the following information and changes since the publication of the agenda:

The applicant had submitted further details in regard to the sequential test exercise undertaken for this development. The report advised that a 3km radius had been identified from the site but given the wider constraints of flood zone 2 and 3, which covered a significant portion of this area, alternative sites were very limited.

Furthermore the site was located within an area that was established as a hub for this type of development and the sequential test concluded that no other sites were available which met the requirements of the applicant.

Planning Services confirmed that the radius assumed in the sequential test was considered reasonable and proportionate to the scale of development. It was accepted that the surrounding area was largely constrained by flood zone and therefore opportunities for alternative sites were limited. Given that the proposal had clear location requirements, that the site was within Flood Zone 2 and that the Environment Agency had not raised any objections to this application, it was considered that the proposal passed the sequential test exercise in accordance with the requirements of the NPPF.

The Committee approved the report recommendations without discussion.

RESOLVED

- (1) to grant planning permission subject to conditions substantially in the form of those listed in the draft decision notice and the prior revocation of the Hazardous Substances Consent on the site (reference:92/00004/HSDC) under Section 14(1) of the Planning (Hazardous Substances) Act 1990;**
- (2) to delegate power to the Director of Planning and Transport to determine the final details of the conditions and the revocation of the above Hazardous Substances Consent.**

46 PLANNING APPLICATION – RADFORD MILL, NORTHERN SITE, NORTON STREET

Rob Percival, Area Planning Manager introduced a report of the Director for Planning and Transportation on application 13/01505/PFUL3 submitted by Pelham Architects on behalf of Nottingham Community Housing Association for 67 dwellings comprising of 18 houses and 49 flats, together with associated car parking and landscaping.

The Committee approved the report recommendations without discussion.

RESOLVED

- (1) to grant planning permission, subject to conditions substantially in the form listed in the draft decision notice;**
- (2) to delegate power to the Director of Planning and Transportation to determine the final details of the conditions.**

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

6 Ilkeston Road

1 SUMMARY

Application No: 13/01898/PFUL3
Application by: Maber Architects on behalf of IMAP Properties Limited
Proposal: Construction of student accommodation comprising 99 bedspaces with associated social space and retail unit to ground floor following demolition of existing building

The application is brought to Planning Committee as this is a major application on a prominent site where there are significant land use, design and heritage issues.

To meet the Council's Performance Targets this application should be determined by 11 November 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in the report subject to:

- (a) prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A financial contribution for off-site provision or improvement of open space or public realm
 - (ii) A student management agreement including a restriction on car ownership
- (b) the indicative 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 the conditions of the planning permission be delegated to the Director of Planning and Transport.

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

Site

- 3.1 The site comprises approximately 650m² of land to the immediate north of the junction of Ilkeston Road and St Helen's Street at Canning Circus. The site is currently occupied by a 1960's three storey building, that was formerly used as licensed premises known as Bar Seven but has been vacant for over two years.

The building sits tight to the pavement and follows the curve of the junction. The main feature of the building is the vertical concrete projections, which frame the windows at first floor. The ground floor is painted brickwork, whilst the third storey occupies a smaller footprint and is set back from the highway edge. To the rear of the building is a car park which is accessed from Holden Street.

- 3.2 Adjoining the site to the north-east is the Lemon Tree Chinese takeaway, which forms part of a three storey block that curves round onto Alfreton Road and includes a number of retail and food and drink outlets with living accommodation above. Holden Street is situated between the rear of the Alfreton Road properties and the site, whilst to the north west is Woodgate Court, a three storey residential block. To the south west of the site, on the opposite side of Ilkeston Road is the Park West/Cigar factory development, which is eight storeys at its highest point. The site is within the Gamble Street/Alfreton Road Conservation Area, located at its southern extremity, but also borders the Canning Circus Conservation Area to the south. There are a number of grade II listed buildings in close proximity to the site including Canning Terrace to the east, 154-162 Derby Road to the south west and 3-9 Ilkeston Road to the south east.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission to construct student accommodation providing a total of 99 bed spaces and a ground floor retail unit. The residential accommodation comprises 84 studios and three cluster flats, each providing five bedrooms. In addition to the retail unit, which has a proposed floor space of 142m², the ground floor also proposes a reception, social space and meeting room for the residents.
- 4.2 The proposed building is divided into three main blocks. The western block is four storeys, the middle section six storeys and the eastern block, adjacent to the Lemon Tree, rises to a nine storey tower. The form of the building is based around three sections of curves, which overlap and integrate with each other as they rise in height. The ground floor of the building is proposed to be recessed with the upper floors overhanging, and the fenestration pattern is a rigid grid system of large openings with deep reveals. The main material proposed is brick with accent materials of anodised aluminium panels and green glazed bricks.
- 4.3 In addition to the Design and Access Statement the application is supported with a Noise Assessment, an Air Quality Assessment, an Energy Statement and a Student Management Plan. As part of the development package the developer is to deliver local employment and training opportunities, including a financial contribution towards pre-employment training and recruitment costs. This will be secured within the Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by a site notice and press advert. In addition the below neighbouring/local properties have been directly consulted:

Apartments 1-87 Park West, Derby Road
1-30 Woodgate Court, Holden Street
136, 138-140, 142A Derby Road
2-5, 7&9, 11, 13, 13A Ilkeston Road
6, 10, 12, 18, 20, 22, 30 and 32 Holden Street

The Falcon PH Alfreton Road
11-33a (odds only) Alfreton Road

- 5.2 There have been three objections to the application. The reasons for objection include the principle of more student development, the scale of the building and that it is out of context with the surrounding area, the density of development, parking, disturbance during construction and that it does not make a positive contribution to the Canning Circus Conservation Area.
- 5.3 One letter of support has been received stating that the development is welcomed and it is hoped that this will encourage further investment in the Alfreton Road area.

Additional consultation letters sent to:

- 5.4 **Highways & Drainage:** No objections but queries the drop off and collection proposals for students and requests a swept path analysis for the servicing of the retail unit. The comments question the drainage proposals and specifically how peak surface water drainage will be reduced.
- 5.5 **Heritage and Urban Design:** the conservation officer identifies that the site location is sensitive for a number of reasons; it is situated on the border between the Canning Circus and Alfreton Road/Gamble Street Conservation Areas, the historic north west gateway to the City Centre; it is one of the highest points in the City Centre and it forms a terminus to the view up Derby Road from the east. There is no objection to the demolition of the existing 1960's building which does not make a positive contribution to the character of the conservation areas. Although the proposed building would represent the tallest building in the surrounding area its orientation, form and massing would ensure that it remains sympathetic to the historic character of Canning Circus. The conservation officer concludes that this proposal would enhance the conservation area in accordance with the aims of the of the heritage chapter of the NPPF and Policy BE12 of the Local Plan.
- 5.6 The urban design manager welcomes the quality of the scheme in forming a landmark building, at a prominent location within the city. The simplicity of the building relies on high quality materials and detailing. The simple punched windows are well proportioned and the depth of the reveals together with the glazed bricks and anodised aluminium panels within the reveals, offer a subtle visual contrast to the robust brick elevations. The traditional brick elevation is a refreshing change to the some of the more recent contemporary materials used through out the city. The quality of brick is an essential element to the success of the building. It is important that the building looks as striking in the evening as during the day, this can be achieved by subtle lighting enhancing the building details. The contribution the building makes to longer views, particularly from Derby Road and The Rope Walk is also supported.
- 5.7 **English Heritage:** Does not object to the demolition of the existing building and considers that there is a real opportunity to reveal the significance of, and enhance, the designated heritage assets. However, the scale of the development is not supported and is considered to harm the significance. It is also considered that there is insufficient information to justify this proposal. The comments qualify that the harm to the designated heritage asset is considered less than substantial but that the local planning authority would need to be satisfied that the public benefit of this proposal would outweigh the harm created. English Heritage recognise that there are opportunities to provide a greater sense of enclosure to St Helens Street

and to create a landmark building but comment that the historic townscape is characterised by 3 storey houses with shop units at ground floor which abut and frame the street. Reference is made to corner buildings in the vicinity of the site with radiused facades such as on the corner of Derby Road and Wollaton Street and the Providence Works on the corner of Gamble Street and Newdigate Street, which are of greater scale but are considered to be landmarks and nodal buildings whose prominence is not overbearing to the street or neighbouring properties and help reinforce the townscape.

- 5.8 **Noise and Pollution Control:** The noise assessment should be updated to include the provision of fresh air ventilation measures; otherwise the standard noise assessment condition is recommended to be imposed. The air quality assessment is considered largely acceptable save the fact that it does not consider ground floor receptors and this should be assessed. A condition is recommended to secure this and the implementation of all air quality measures proposed.
- 5.9 **Councillor Steph Williams:** Objects to the application on the grounds of the height of the proposed building, the density of the development and its design and appearance. In relation to height the concern is that the building is overpowering and nearby buildings are generally restricted to three storeys. In terms of density of development, it is considered that the limited parking/servicing area will be insufficient for 99 students, particularly having regard to existing residents parking and servicing of existing businesses. Concerns are also expressed about limited storage room for waste and noise nuisance from the development. The site is within one conservation area and adjacent to another, in a prominent location where three major routes converge. The proposals should enhance the conservations areas and it is considered that this development will detract from their quality.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 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, conserve heritage assets in a manner appropriate to their significance and supporting the transition to a low carbon future.
- 6.3 Paragraph 60 of the NPPF advises that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is however appropriate to promote or reinforce local distinctiveness.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

- 6.5 Paragraphs 128 to 134 sets out the key considerations in determining applications relating to heritage assets. They state that local planning authorities should identify and assess the particular significance of any heritage asset and when considering the impact on the heritage asset, should have regard for its level of significance. The greater the significance of the asset, the more weight should be attributed to its protection. Paragraph 137 states local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Paragraph 138 acknowledges that not all elements of a Conservation Area will necessarily contribute to its significance.

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities. Complies

BE2 - Layout and Community Safety. Complies

BE3 - Building Design. Complies

BE4 - Sustainable Design. Complies

BE8 – City Skyline and Tall Buildings. Complies

BE10 – Development Affecting the Setting of a Listed Building. Complies

BE12 – Development in Conservation Areas. Complies

H2 – Density. Complies

H6 – Student Housing. Complies

NE9 - Pollution Control. Complies

R2 - Open Space in New Development. Complies

T3 – Car, Cycle and Servicing Parking. Complies

Building Balanced Communities Supplementary Planning Document

Monitoring of Student Households report (November 2012)

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
- (ii) The impact on the character and appearance of the conservation areas and the setting of nearby listed buildings
- (iii) Amenity of occupiers
- (iv) Impact on amenity of surrounding residents

(i) Principle of student accommodation (Policies ST1 and S4 and Building Balanced Communities Supplementary Planning Document)

- 7.1 The latest Monitoring of Student Households report (October 2012) suggests that, despite the number of purpose-built student bed spaces having increased significantly over the last few years, 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 will continue to be required if there is to be a significant reduction in these numbers.
- 7.2 The percentage of households being occupied by students in the local vicinity of the building and adjoining areas is 35% which is above the 25% threshold included within the Building Balanced Communities Supplementary Planning Document. However, whilst the site is within an area of high concentration which would normally dictate that additional student development is resisted, there are factors that weigh in favour of the principle of this application. The site is in significant need of regeneration and presents itself in a highly prominent location, where three arterial routes into the city centre converge. The redevelopment of this site is therefore welcomed and given both the location and the limited footprint of the site, it is not suitable for family housing and in viability terms a dense development is likely to be required to bring forward its regeneration. In addition the site is very close to Talbot Street where other recent student development has been concentrated; this fringe city centre location is considered to be appropriate for such accommodation being located close to Trent University's city centre campus and on the main arterial routes to the University of Nottingham's campuses. The site is also at the edge of the adjacent residential area and within a harsher, larger commercial environment, where impact upon residents within the locality is likely to be limited.
- 7.3 The figure of 35% is influenced by the high concentration in the Talbot Street area, although it should be noted that the output area in which the site is situated stands at 27%. The Building Balanced Communities Supplementary Planning Document does make provision for permitting exceptions to the 25% threshold used to define a balanced community. In this particular case it is not considered that the proposal would adversely affect the balance of the community and the redevelopment of this prominent site is considered to outweigh any very limited harm in this regard. It is concluded that the principle of the development for student occupation is acceptable and the proposal accords with the Building Balanced Communities Supplementary Planning Document and Policies ST1 and H6.
- 7.4 The principle of retail development is supported given the limited floor space and that it is located on the edge, but within, a defined local shopping centre. The proposal therefore accords with the objectives of Policy S4. The retail unit in addition to the reception and social space for the student accommodation will provide activity and interest to the street, replacing currently what is dead frontage.

(ii) The impact on the character and appearance of the Conservation Areas and setting of the nearby listed buildings (NPPF Paragraphs 128-134 and 137 and 138 and Policies BE8 and BE10, BE12)

- 7.5 The existing 1960's building has a harsh appearance primarily through its architectural style but also by virtue of its position abutting the pavement. The building is very prominent due to being located at a busy traffic junction and is visible in longer views from Derby Road to the east. English Heritage and the Council's Conservation Officer consider that the building does not contribute positively to the conservation areas and its demolition is therefore supported in principle.
- 7.6 The design of the proposed building is based around three curved sections of differing heights that are recessed from each other but integrate in a fluid form. In respect of analysing the impact on the character and appearance of the conservation areas, the key considerations are the scale and massing of the building, together with its architectural style. Prior to the submission of the application the scheme was presented before the Design Review Panel, for an independent assessment of the design quality of the scheme. The Panel considered that the form and the simplicity of the elevations were attractive. Whilst understanding the potential for a landmark building, the Panel questioned whether there was sufficient justification for the proposed height of the building, given its location within a Conservation Area.
- 7.7 The prominence of the site and in particular its position at one of the highest points within the City result in opportunities to create a landmark building at a gateway location. The design evolution has attempted to maximise such opportunities through the height of the building, whilst tempering such aspirations with the requirement to be respectful to the heritage character of the surrounding area. The logic behind the phasing of heights of the building starts with respecting the scale of Woodgate Court, which itself is three storeys with a pitched roof, and although taller, the four storey element of the proposal sits comfortably in relation to this building. The proposal steps in height to first a six storey block and then the feature nine storey tower. The tower presents itself at the top of the view east from Derby Road in a comparatively slender form that attenuates the height and balances the proportions of the building effectively. This also addresses the design objectives of creating a landmark building, enclosing the 'square' to the south east in the short range view, and creating a 'visual stop' to the built environment when viewed at longer distances from Derby Road to the east. The building also addresses the arrival of traffic/pedestrians from the west via Derby Road and steps in accordance with the rising levels of Ilkeston Road.
- 7.8 Whilst the design rationale in relation to addressing key views is clear and considered successful, concern has been expressed about the height of the building in relation to the conservation areas, notably by English Heritage. The immediate surrounding environment is three storeys in scale, with the exception of the eight storey Cigar Factory redevelopment, although this is not considered an appropriate precedent on which to justify the proposal. The applicant's justification within the Design and Access Statement is that the Alfreton Road/Gamble Street Conservation Area exhibits examples of large scale buildings in the form of old mill buildings up to 7 storeys in height and with generous storey height proportions. Whilst the presence of these buildings are noted and form part of the wider character of the conservation area, alone this is not considered sufficient justification for a building of this height, particularly given the scale of the immediate

surroundings. The concerns expressed by English Heritage and the objections from a local ward councillor and residents are that the scale of the building will be dominant and overbearing. However, the building form has been carefully developed so that the end product is far greater than a series of stepped building heights. The curves of the building and the fact that the three elements overlap each other creates a softer, more fluid form which responds to both the immediate street layout and the longer distance views. Consequently and crucially the massing of the development, although undoubtedly significant in scale, is not considered to be unduly dominant.

- 7.9 The architectural style of the building is very simple with fenestration arranged on a grid basis with large openings and deep reveals. The application places a strong emphasis on utilising quality materials and with brick being the predominant material, the choice of this product will be crucial in this regard. The simplicity of the large openings and deep reveals are appropriate in this instance as they support the main architectural feature, being the form and shape of the building. The curved nature of the building and how each section integrates, together with its scale, suggests that a more flamboyant elevation treatment would be over-elaborate, particularly given its prominence. However, to strike an appropriate balance and to ensure that simplicity does not become monotonous, the appearance of the building will be assisted by the introduction of two accent materials. These materials will be located within the large openings and will consist of bronze anodised aluminium panels and faience inspired green glazed brickwork. The presence of these materials will add further interest to the strong design principles established by the form of the building and the fenestration pattern and present a high quality finish to the development.
- 7.10 English Heritage do not object to the application but make clear their concerns with regard to scale and conclude that the proposal results in 'less than substantial harm' to the heritage asset of the conservation areas. Accordingly they advise that the public benefit of the scheme should be demonstrated to outweigh this harm, in order to justify an approval. The conservation officer advises that the proposals will enhance the conservation area and it is considered that the design merits of the scheme explored above support this stance. Should the development of this site be restricted to three storeys to equate to the scale of the surroundings, then it is highly debatable that firstly it would be capable of delivering a viable development and, secondly, perhaps more importantly, that it would give the potential to achieve the landmark building objectives and respond to the topographical opportunities of the site. It is therefore concluded that this site is appropriate for a bolder approach to scale given its prominent location, and that the proposed redevelopment of this site will enhance the appearance of the conservation area. The setting of the nearby listed buildings will not be adversely affected by the proposal, with the enclosure provided to the Canning Circus square to the south east seen as an improvement to the heritage setting. It is considered that the proposal complies with the heritage section of the NPPF and Policies BE8, BE10 and BE12 of the Local Plan.

iii) Amenity of occupiers (Policies H2, BE3 and NE9)

- 7.11 The site's location adjacent to a busy junction has resulted in noise and air quality assessments being submitted with the application. Noise and Pollution Control are satisfied with the details in principle and subject to conditions to deliver sound insulation and ventilation measures, consider that the future residents' amenity will not be adversely affected by noise or air pollution.

- 7.12 The internal layout provides accommodation of a good size and shape, despite the challenges of accommodating the curved form. All units are well served with generous sized windows and the south facing units at the higher levels will enjoy a panoramic outlook over the city. It is considered that the density of the development is acceptable in terms of the provision for residents of the scheme and the application complies with the requirements of Policies H2, BE3 and NE9.

iv) Impact on amenity of surrounding residents (Policies BE3, H6 and NE9)

- 7.13 A daylight and sunlight report has been submitted to consider the impact of the scale and mass of the building on nearby neighbours. This was produced following the pre-application consultation exercise that was undertaken prior to the submission of the application on 30 July 2013. At the event a number of comments were recorded and a summary of these were provided with the application. Amongst the comments gathered, which were largely supportive, were concerns about the height of the proposed building. The daylight and sunlight report advises that a number of neighbours would experience loss of light as a result of the development but this would not be unusual in a tight urban environment. The majority of the neighbouring properties are comfortably within the BRE guidelines for daylight and many of the rooms assessed benefit from light from more than one window. Only three rooms are outside the Daylight Distribution test guidelines. These are in 12 Holden Street (First R3), 20 Holden Street (First R1) and The Fancy Dress Bank building (First R1). The room at the first floor of the Fancy Dress Bank building is already constrained by an existing balcony on the floor above and 20 Holden Street is only just below the accepted standard of light, retaining 77% of the light received prior to the development, the threshold being 80%. The room at first floor within 12 Holden Street is the most affected, though the daylight and sunlight report is unable to ascertain if this is a habitable room.
- 7.14 The extent of the nine storey element is relatively constrained in terms of footprint and the stepped nature of the building is designed to mitigate any undue overbearing or dominant impact on the outlook of residents to the north and north east. It is accepted that there will be some impact on amenity of these properties' residents, but the daylight and sunlight survey indicates that this should be relatively limited in harm, in respect that it affects individual rooms rather than entire elevations. Given the existing tight urban environment and the overall benefits of the scheme, the impact on amenity is considered acceptable in this instance.
- 7.15 The proposed building has been designed to curve away from Woodgate Court and this ensures that the development will not be unduly overbearing. Furthermore the position of windows within the curved facing façade have carefully been considered so that they do not result in loss of privacy for existing residents.
- 7.16 A student management plan is to be provided as part of the S106 planning obligation. Amongst other aspects, the terms of this agreement aims to limit noise, disturbance, or nuisance to neighbouring occupants and a point of contact is provided for the reporting of any disturbances caused by occupiers of the development.

Other Issues

- 7.17 Policy T3 seeks to preclude development that would be detrimental to highway safety. There is no parking provision for this development and there will be a

restriction within the Section 106 Obligation to prevent residents from bringing vehicles to the development. A condition is recommended with regard to drop off and pick up arrangements and Highways are satisfied that this will not pose a risk to highway safety. It is acknowledged that concern has been expressed about drop off and collection of students at the beginning and end of term, and like many City Centre sites, space is limited in this regard. The scheme does however incorporate off-street parking arrangements for this purpose off Holden Street to the rear of the site and additionally the arrival/departure procedure is covered within the student management plan; the beginning of each tenancy will be staggered over a three/four week period, with specific times allotted for students. The details of this will be covered by condition. The application also proposes 26 cycle spaces in an accessible store on the ground floor which will encourage sustainable travel. In light of these factors the development is considered to accord with Policy T3.

- 7.18 In relation to Highways request for a swept analysis this has been requested and the applicant is preparing this information. In any event it is considered that a condition could cover this matter. A condition will also be imposed to ensure that the drainage scheme is appropriate and the applicant has indicatively advised that the 30% reduction in surface water flow rate will be achieved through the use of an attenuation tank with a Flow Control Device fitted in order to throttle back the discharge rate to achieve the reduction required.
- 7.19 In response to concerns about the size of the waste facility, the applicant has increased this area considerably allowing sufficient space for residents plus storage for refuse from the retail unit. It is considered that this represents an acceptable provision and a condition will be imposed to ensure that it is delivered as part of the development.
- 7.20 A public open space contribution of £39,862.35 is proposed by the applicant and this meets the requirements of Policy R2 and the Supplementary Planning Guidance for the provision of open space within the development. This would be secured by S106 obligation.

8. SUSTAINABILITY / BIODIVERSITY

An Energy Statement has been submitted with the application which identifies that Solar PVs will be the method to achieve the minimum 10% reduction in carbon emissions for the development. Subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord with Policy BE4.

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

Neighbourhood Nottingham: Developing a prominent and long term vacant brownfield site.

Working Nottingham: The development will provide the potential for local 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 reference: 13/1898/PFUL3

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F01898&action=Search>

2. Comments from English Heritage dated 16 September 2013

3. Comments from Highways dated 5 September 2013

4. Comments from Noise and Pollution Control dated 11 and 24 September 2013

5. Comments from Heritage and Urban Design dated 1 October 2013

6. Comments from Councillor Williams dated 25 September 2013

7. Comments from local residents dated 21 August, 05,19 and 21 September 2013

17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005).

2. National Planning Policy Framework.

Contact Officer:

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REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

6 Ilkeston Road

1 SUMMARY

Application No: 13/01899/LCAC1
Application by: Maber Architects on behalf of IMAP Properties Limited
Proposal: Demolition of existing building.

The application is brought to Committee because it accompanies a planning application that has complex land use, design and heritage issues.

To meet the Council's Performance Targets this application should have been determined by 1 October 2013.

2 RECOMMENDATIONS

GRANT CONSERVATION AREA CONSENT subject to:

the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions of the conservation area consent be delegated to the Director of Planning and Transport.

For the main body of the report please see planning application ref 13/01898/PFUL3 on this agenda.

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

1. Application file reference 13/01899/LCAC1

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F01899&action=Search>

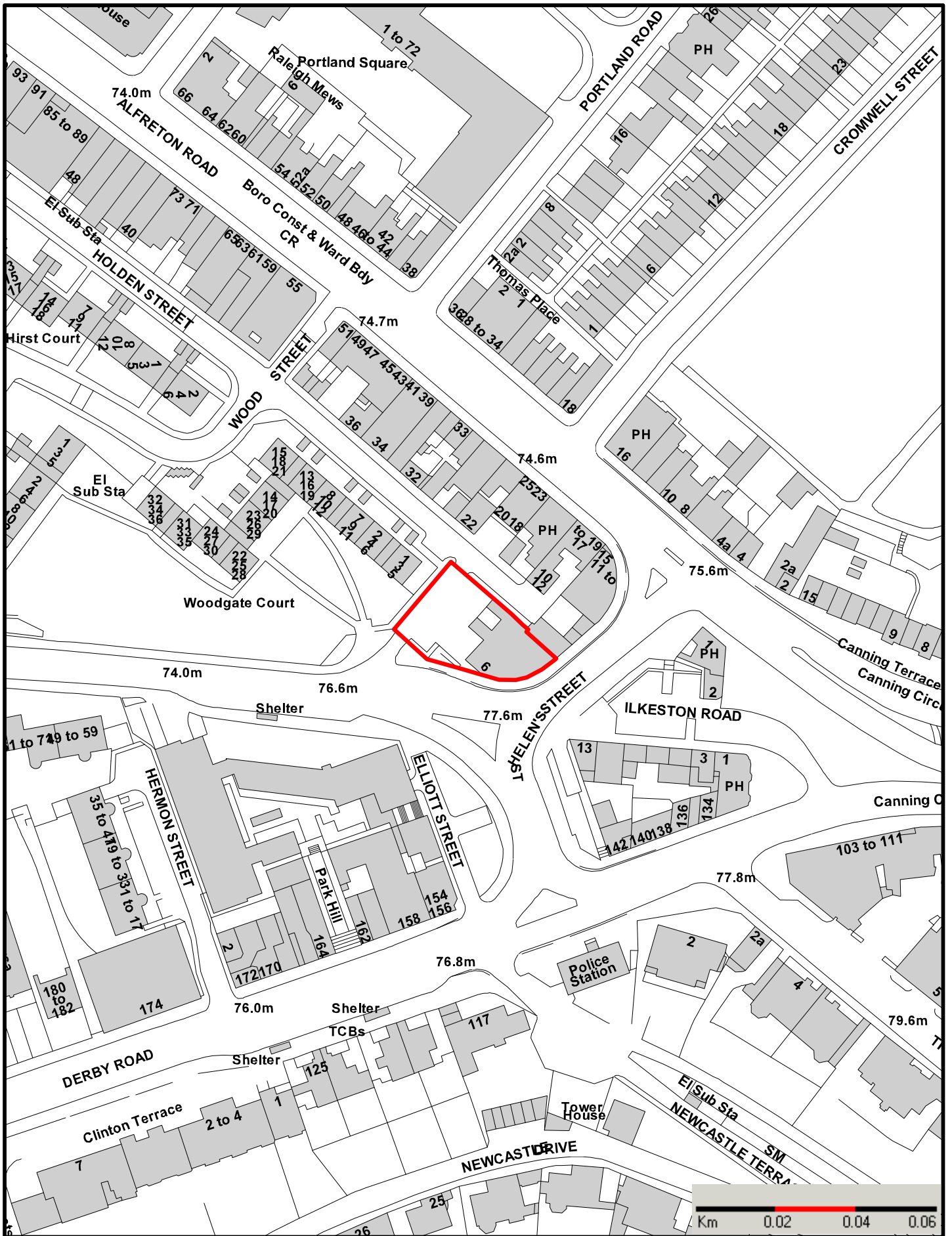
Published documents referred to in compiling this report

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

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Nottingham
City Council

My Ref: 13/01898/PFUL3 (PP-02689521)
Your Ref:
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Date of decision:

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

Application No: 13/01898/PFUL3 (PP-02689521)
Application by: IMAP Properties Limited
Location: 6 Ilkeston Road, Nottingham, NG7 3GE
Proposal: Construction of student accommodation comprising 99 bedspaces with associated social space and retail unit to ground floor following demolition of existing building.

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. Prior to the commencement of development, full details of external materials for the building, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the Conservation Area and in accordance with the aims of Policy BE12 of the Local Plan.

3. Notwithstanding the noise report submitted, an environmental noise assessment shall be carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall be suitable and sufficient 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, and state all assumptions made (e.g. glazing and façade areas). The results of the noise assessment and proposals for sound insulation measures and any complementary acoustical ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The approved sound insulation scheme shall 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.
- iii. Not more than 55dB LAeq (1 hour) for private residential garden areas (including garden areas associated with residential homes and similar properties).

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

- i. Not exceeding NR30 for living rooms between the hours of 07.00 and 23.00.
- ii. Not exceeding NR25 for bedrooms between the hours of 23.00 and 07.00.

The noise assessment shall be undertaken with regard to BS 7445:2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice.

The sound insulation measures and any complementary acoustical ventilation scheme shall be installed in accordance with the approved details prior to the occupation of the development.

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy NE9 of the Local Plan.

4. Prior to the commencement of development the applicant shall submit and have approved in writing by the Local Planning Authority a whole building ventilation assessment for the development. The whole building ventilation assessment shall be suitable and sufficient, shall be carried out by a competent person and shall specify an appropriate whole building ventilation scheme for the development.

The whole building ventilation scheme shall ensure that:

- i. Exposure of sensitive receptors to poor air quality shall be reduced as far as practicable;
- ii. The location of clean air intakes for the scheme shall be located so as to maximise the vertical and horizontal distance between the clean air intakes and the primary source of poor air quality;
- iii. The discharge of foul air shall be from the building façade facing the primary source of poor air quality.

The submission shall also include the design and configuration specification for the whole building ventilation scheme.

Reason: To protect the living conditions of the occupiers of the development in accordance with Policy NE9 of the Local Plan.

5. No development or site preparation works shall be carried out on the site until details of a Construction Method Statement have been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for the development and shall provide for:
- a) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
 - b) The parking of vehicles of site operatives and visitors;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) Wheel washing facilities, if necessary;
 - f) Measures to control the emission of dust and dirt during construction;
 - g) Site security;
 - h) Measures to prevent the deposit of debris on the highway and;
 - i) A timetable for its implementation.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policies BE2 and NE9 of the Nottingham Local Plan (2005)

6. Notwithstanding the submitted Sustainability and Energy Statement, the development shall not be commenced until a scheme for 10% of the development's energy supply (interpreted through carbon emissions) to be provided by way of a renewable or low carbon energy supply, has been submitted to and approved in writing by the Local Planning Authority, including a timetable for the implementation of the scheme. Thereafter the renewable/low carbon energy scheme 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 providing a sustainable development and in accordance with Policy BE4 of the Local Plan.

7. The development shall not be commenced until a surface water drainage scheme, including a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the surface water drainage scheme 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 providing a sustainable drainage and in accordance with the aims of Policies BE4 and NE10 of the Local Plan.

8. The development shall not commence until a landscaping scheme for the site and street trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme. Thereafter the landscaping scheme shall be carried out in accordance with the approved details and timetable. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the development in accordance with Policies BE5 and NE5 of the Local Plan.

9. Prior to the commencement of development a swept path analysis for a suitable sized delivery vehicle to serve the retail unit hereby approved shall be submitted to and approved in writing by the Local Planning Authority.



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

Pre-occupation conditions

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

10. Prior to the occupation of the development, the applicant shall submit written verification to the Local Planning Authority that the approved whole building ventilation scheme, including any additional mitigation measures, has been implemented in accordance with details approved pursuant to condition 4. The approved whole building ventilation scheme, including any additional mitigation measures, shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Reason: To protect the living conditions of the occupiers of the development in accordance with Policy NE9 of the Local Plan.

11. No part of the development hereby permitted shall be occupied until such time that a traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the development at the start and finish of each academic term, has been submitted to and approved in writing by Local Planning Authority. The traffic management scheme shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions in the vicinity of the development site, in the interests of highway safety and in accordance with Policy BE2 of the Local Plan.

12. No part of the development hereby permitted shall be occupied until the bin storage has been provided in accordance with the approved details on drawing number 2227 (08) 04C.

Reason: In the interests of the appearance of the development and in accordance with the aims of Policy BE3 of the Local Plan.

13. No part of the development hereby permitted shall be occupied until cycling parking for a minimum of 26 cycles has been provided in accordance with details shown in principle on drawing number 2227 (08) 06A.

Reason: To promote sustainable travel and in accordance with the aims of Policy T3 of the Local Plan.

14. No part of the development hereby permitted shall be occupied until the hard surfacing scheme shown on drawing number 2227 (08) 05A has been implemented.

Reason: In the interests of the appearance of the development and in accordance with the aims of Policy BE3 of the Local Plan.

15. No part of the development hereby permitted shall be occupied until an external lighting scheme has been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the Conservation Area and in accordance with the aims of Policy BE12 of the Local Plan.

Regulatory/ongoing conditions

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Planning Layout reference 2227 (08) 04 revision A dated 1 October 2013, received 1 October 2013
Planning Layout reference 2227 (08) 05 revision A dated 1 October 2013, received 1 October 2013
Plan reference 2227 (08) 06 revision A dated 1 October 2013, received 1 October 2013
Plan reference 2227 (08) 07 revision A dated 1 October 2013, received 1 October 2013
Plan reference 2227 (08) 08 revision A dated 1 October 2013, received 1 October 2013
Plan reference 2227 (08) 09 revision A dated 1 October 2013, received 1 October 2013
Elevations reference 2227 (08) 11 revision A dated 1 October 2013, received 1 October 2013
Elevations reference 2227 (08) 12 revision A dated 1 October 2013, received 1 October 2013
Elevations reference 2227 (08) 13 revision A dated 1 October 2013, received 1 October 2013
Elevations reference 2227 (08) 14 revision A dated 1 October 2013, received 1 October 2013
Other reference 2227 (08) 15 revision A dated 27 September 2013, received 1 October 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.
4. The development is located either within or on the boundary of an Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) [the Regulations] are not being achieved.

In this context an area of poor air quality means that the air quality objectives for the pollutants of concerns as set out in the Regulations are not being met.

The combined noise from the whole building ventilation scheme, any other environmental noise and noise from plant and equipment must not exceed NR 25 in bedrooms between the hours of 23.00 and 07.00 or NR 30 for living rooms between the hours of 07.00 and 23.00.

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.

DRAFT ⁵ ONLY
Not for issue

Continued...

Your attention is drawn to the rights of appeal set out on the attached sheet.



DRAFT⁶ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 13/01898/PFUL3 (PP-02689521)

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.

My Ref: 13/01899/LCAC1 (PP-02689521)
Your Ref:
Contact: Mr Mark Bassett
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

Maber Architects
FAO: Mr Alex Lipinski
St Mary's Hall
17 Barker Gate
The Lace Market
Nottingham
NG1 1JU

Date of decision:

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
APPLICATION FOR CONSERVATION AREA CONSENT**

Application No: 13/01899/LCAC1 (PP-02689521)
Application by: IMAP Properties Limited
Location: 6 Ilkeston Road, Nottingham, NG7 3GE
Proposal: Demolition of existing building.

Nottingham City Council as Local Planning Authority hereby **GRANTS CONSERVATION AREA CONSENT** for the development described in the above application subject to the following conditions:-

Time limit

1. The works hereby authorised shall be begun before the expiration of three years from the date of this consent.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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)

There are no conditions in this section.

Other conditions

(Conditions relating to other regulatory matters)

2. The demolition authorised by this consent shall not be carried out before:
 - a) a contract for the carrying out of the works of redevelopment of the site has been entered into and a copy produced to the Local Planning Authority; and
 - b) planning permission has been granted for the redevelopment for which the contract provides.



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Continued...

Reason: to ensure that the character and appearance of the conservation area is preserved or enhanced in accordance with Policy BE13 of the Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the works 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 6 August 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.

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: 13/01899/LCAC1 (PP-02689521)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of consent for the proposed works, 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/pcs.

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COMPENSATION

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REPORT OF HEAD THE DIRECTOR OF PLANNING AND TRANSPORT

Sites at Lorna Court, May Court, The Croft and Mayholme, Alexandra Park

1 SUMMARY

- Application No: 13/01909/PFUL3 and 13/01946/PFUL3 for planning permission
- Application by: Halsall Lloyd Partnership on behalf of Leicester Housing Association
- Proposal 1: 13 dwellings (Lorna Court, May Court and The Croft) – ref. 13/01909/PFUL3
- Proposal 2: Alterations and conversion to create 4 dwellings (Mayholme) – ref. 13/01946/PFUL3

The applications are brought to Committee because they have generated significant local interest.

To meet the Council's performance targets application ref. 13/01909/PFUL3 should be determined by 12 November 2013 and application ref. 13/01946/PFUL3 should have been determined by 4 October 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION, relating to both application sites, for the reasons set out in this report, subject to:

- a) prior completion of a Section 106 Planning Obligation relating to both application sites which shall include:
 - (i) A financial contribution towards education provision
 - (ii) A financial contribution for off-site provision or improvement of open space or public realm
 - (iii) Cessation of the existing use of the Mayholme site (as 9 bedsitting rooms with associated common room, reception areas and ancillary office accommodation) on implementation of either planning application ref. ref. 13/01909/PFUL3 or ref. 13/01946/PFUL3.
- b) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and conditions of the planning permissions be delegated to the Director of Planning and Transport.

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 Two planning applications have been submitted relating to two parts of the former Family First Centre. For the purpose of this report, this overall site is described as the Family First Centre site. The applicant has decided to submit the scheme through two separate applications as there are different planning considerations relating to each and the development of each part is likely to progress at different times.
- 3.2 The Family First Trust was a charity that provided help and support for disadvantaged groups and unmarried mothers for over forty years, including residential accommodation. The centre closed in 2007.
- 3.3 The Family First Centre site, up until recently, comprised four buildings. The first of these buildings is subject to application ref. 13/01946/PFUL3 and relates to a building known as Mayholme, an attractive 2 storey building, which dates back to the Edwardian period. This building formed the original building for the Family First Centre. It contained 9 bed-sits, associated common room and office accommodation. For the purposes of this report, the land subject to application ref. 13/01946/PFUL3 is described as Site A.
- 3.4 The other three buildings and associated grounds form the site relating to application ref. 13/01909/PFUL3 and for the purposes of this report that land will be described as Site B. Physically linked to Mayholme was a single storey building known as 'The Grove', which was added in the 1970's/80's and was used as a nursery and further office accommodation. Two further two storey buildings, known as Lorna and May Court, were added to the centre around the same time as the Grove and contained approximately 12 bed-sit maisonettes and associated communal facilities.
- 3.5 The Grove, Lorna Court and May Court, all within Site B, have now been demolished due to their poor state of repair. Those works were approved in May 2013 under permission ref. 13/00871/PADA. Mayholme has been retained and its conversion forms part of the current redevelopment proposals for the site ref. 13/01946/PFUL3.
- 3.6 The Family First Centre site is located at the northern end of Albert Road, which provides access and runs in a north to south direction towards The Crescent. The wider highway network at Woodborough Road, is accessed via Dagmar Grove to the south west.
- 3.7 Mayholme has direct frontage onto Albert Road, whilst the remainder of the Family First Centre site, sits behind Mayholme and is concealed from view by existing buildings and landscaping. The periphery boundary of the Family First Centre site to three sides is dominated by large mature trees, some of which are protected by a Tree Preservation Order.
- 3.8 The Family First Centre site is located within a primarily residential area and immediately adjoins the northern boundary of the Alexandra Park Conservation Area. Residential properties on Thyra Grove, Woodborough Road, Albert Road and

Caunton Avenue adjoin the boundaries of the Family First Centre site to the north, west, south and east respectively.

- 3.9 An application was received for the redevelopment of the cleared part of the site (Site B), for 14 dwellings in March 2013 (planning ref: 13/00639/PFUL3). The application was subsequently withdrawn due to concerns regarding the intensity and design of the proposed dwellings and the need for the redevelopment of the centre to be planned on a comprehensive basis, with the inclusion of proposals for the retained Mayholme building (Site A).

4 DETAILS OF THE PROPOSAL

4.1 Two full planning applications have been submitted:

- Site A (ref. 13/01946/PFUL3) for the conversion of the retained Mayholme building for four dwellings.
- Site B (ref. 13/01909/PFUL3) for the erection of 13 dwellings.

Site A

4.2 Application ref. 13/01946/PFUL3 proposes convert Mayholme to four dwellings, which would comprise of 2x2 bedroom apartments, 1x 3 bedroom dwelling and 1x 4bedroom dwelling. On plot parking at the ratio of two spaces for each dwelling and one space for the apartment. The existing building is painted brickwork with a number of lowered window heads and raised cills. It is proposed to reinstate window openings back to their original size and render the building with a similar coloured render.

Site B

4.3 Application ref. ref. 13/01909/PFUL3 proposes 13 affordable dwellings comprising of a mix of 6x2 bedroom and 7x3 bedroom dwellings which would be two storey in height and predominately semi-detached in character, apart from one row of three terraced dwellings. They are configured in the form of perimeter blocks facing onto a new central courtyard road layout with turning facilities.

4.4 The 13 dwellings would be contemporary in design with a material palette of red brick and render to facing walls and a grey roof tiles. Revisions have been made to the elevation treatment of the dwellings, with the main change being the introduction of a two storey mono pitch gable projection to the front elevation of the 3 bedroom units, to add further interest.

4.5 The frontages of the 13 properties are proposed to be enclosed with low metal railings with a shrub hedge behind. Each property would have provision for bin storage in the rear garden where a shed for bike storage will be provided. On plot parking is proposed to be provided with all three bedroom dwellings having two parking spaces and the two bedroom dwellings one parking space.

4.6 The development of the 13 properties would entail the removal of some of the trees to the boundaries on the site. An extensive schedule of tree works is proposed to the retained trees, which is proposed to be carried prior to the commencement of the development.

4.7 It is proposed that all 13 dwellings would achieve Level 3 of the Code for Sustainable Homes. The development would meet its 10% saving on carbon emissions through improving the energy efficiency of the buildings' fabric.

Employment and Training

- 4.8 The developer has committed to work with the Council's Employment and Skills team to deliver local employment and training opportunities during the construction of the development. These would be secured as part of the terms of the S106 agreement.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The proposals have been advertised on site and in the press and nearby occupiers notified. The applicant's also held several public consultation events for surrounding residents, prior to the planning applications being submitted.

The following properties have been notified of both planning applications:

Sunnybank, Leahurst, St Aubin, Broxholme, Ireleth, 19 and 21 Albert Road
3, 17 Denmark Grove
22 Wheatfields Road
84, 77- 89 (odd) Caunton Avenue
6 – 18 (even) Thyra Grove
428, 430, 440, 444 Woodborough Road
3 Daymar Grove
Alexandra Park Residents Association

In response nine letters of objection have been received, including a letter from the Alexandra Park Residents Association. Their concerns are summarised below:

- the density of the proposed developments is considered to be too intensive. Residents wish to see the number of dwellings reduced to 10 and at least one parking space per adult in the Mayholme development (Site A). The density of the development on Caunton Avenue and Springfield development is seen to be more appropriate.
- the position of two new dwellings (plots 12 and 13), located to the rear of Mayholme, will make it more difficult to sell and also reduces the size of gardens and parking spaces for the rest of the development. They consider that the removal of these 2 dwellings would improve the impact of the development on the area and leave Mayholme with a large garden, suitable as a single private residence or to provide additional parking.
- the houses are unimaginative in design and an opportunity has been missed to improve the area.
- the development and its density is out of character with the adjacent Alexandra Park Conservation Area where the bulk of properties being Victorian/Edwardian in age and are generously spaced.
- the development would affect the quality of life of people living in the area.
- the impact of additional traffic generation and parking associated with the development. The original plans showed 2 off street parking spaces per house but now the two bedroom houses only have one space, with no visitor parking being provided. Off street parking on the narrow surrounding roads of Albert Road,

Denmark Grove, the Crescent and Dagmar Grove is limited and access along these narrow, heavily parked roads is already difficult. Concerns raised that parking will overflow onto the surrounding roads.

- the Residents Association request that consideration be given to additional traffic calming on Albert Road due to the impact of additional traffic from the development, those currently being built at Springfield Pastures and potential development at Enderleigh.

- the front gardens are small and rear gardens are steep and narrow and are not suited for children to play in.

- a number of trees are being removed and not being replaced.

- the wildlife survey is misleading with no bats and only four birds being observed. Being adjacent Hungerhill/Stonepit Coppice allotments there are bats in the neighbouring gardens area as well as a dozen or more different birds which will be affected by this intensive development.

One further resident has stated that they are happy with the scheme but would like some reassurance on proposed boundary treatments adjoining their property.

Additional consultation letters sent to:

Noise and Pollution Control: No objection. Require conditions to address potential contamination and gaseous emissions.

Housing Strategy: No objection. Supports the proposed housing type and tenure mix.

Highways: The layout has been revised to include an additional turning head at the end of the proposed cul-de-sac and has improved vehicle manoeuvrability. The detailed design will need agreeing but no objections in principle to the development. Conditions relating to the submission of a construction method plan, details of the new road and access onto Albert Road are recommended.

Urban Design: The layout and design of the dwellings has been the subject of extensive discussion and various design options have been considered in order to improve the overall quality of scheme. The elevations now work well together and are seen as a welcome contribution to the visual interest of the street scene. The mono pitched roofs and porch detail provides visual interest. Additionally visual interest is created by recessed brick panels running through from the ground floor to first floor. The combination and contrast of render and brickwork together with the simple, well proportioned windows help create an attractive environment.

The layout works in terms of the buildings addressing the street, rear bin and bicycle storage, on plot parking and high quality brick and railing front boundary treatment. It is expected that the scheme will achieve Building for Life silver.

Education: Alexandra Park falls within the Walter Halls primary catchment which is in the St Anns area of Nottingham. Additional places have been added to Blue Bell Hill (another local school) and additional space has been made available at Sycamore Academy to allow for extra pupils for the last two years. However, despite these expansions projections are showing a shortfall of 30+ Reception

places in the area as a whole from 2014/15. Other developments are also planned in the area (Stonebridge Park and Limmen Gardens); any additional pupils generated by these developments, however small a number, would add to the existing pressure. A S106 contribution of £20,983 towards additional education provision at primary school level in the local area is requested.

Nottingham Academy is the catchment school for secondary education and sufficient places are available to serve the development.

Tree Officer: No Objection. A condition relating to the submission of an arboricultural method statement, to include a schedule of proposed tree works to all retained trees, is recommended.

Drainage Officer: The applicant should consider the use of sustainable drainage techniques including soakaways, swales, permeable paving or storage. A condition relating to the submission of a drainage scheme for the site is recommended. These should seek a 30% reduction in peak surface water run off rate.

Biodiversity Officer: No objections to the principle of the development. Any removal of existing trees requires a further bat survey to ascertain potential bat roosts. A further bat survey has been carried out of the existing trees, which showed no evidence of bat roosts and on this basis the biodiversity officer has raised no objections to the development.

Nottinghamshire Wildlife Trust: The Trust welcomes the recommendation that additional bat emergence surveys be undertaken prior to development and would request that the application is not determined until the required surveys have been carried out and considered. They recommend that any planning approval is made conditional upon the recommendations made in the habitat survey, in respect of nesting birds, foraging bats and terrestrial mammals.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 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 development plan policies, which are set out in this 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 these applications is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, to encourage the effective use of land by reusing land that has been previously developed, and by supporting the transition to a low carbon future.
- 6.3 Paragraph 60 of the NPPF advises that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. Paragraph 63 adds that great weight should be attributed to outstanding or innovative designs.

- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.
H2 - Density.
H3 - Appropriate Housing Types.
R2 - Open Space in New Development.
BE2 - Layout and Community Safety.
BE3 - Building Design.
BE4 - Sustainable Design.
BE5 - Landscape Design.
NE5 – Trees,
NE12 - Derelict and Contaminated Land.
NE14 - Renewable Energy.
T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development and the appropriateness of the density, mix of house types and tenure;
- (ii) Layout and design considerations;
- (iii) Highway considerations;
- (iv) Impact on residential amenity;
- (v) Section 106 matters.

(i) Principle of the development and the appropriateness of the density, mix of house types and tenure (Policies ST1, BE4, H2 and H3)

- 7.1 The applications propose residential dwellings on a predominately cleared site within a primarily residential area as identified in the saved Local Plan and are therefore acceptable in principle.
- 7.2 The NPPF supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. It states that local planning authorities should plan for a mix of housing and identify the size, type and tenure and range of housing to meet local needs, including affordable housing if required. It is considered that these two housing schemes, would contribute towards meeting local housing needs and would be in keeping with the NPPF and the City Council's strategic objectives to create sustainable balanced communities. Additionally, the development sites are located in a sustainable location, close to local facilities and a range of transport options.
- 7.3 The main concern of residents relates to the density of the development. Since withdrawing the previous application the applicant has, through negotiation, reduced the number of dwellings proposed on the Family First Centre site from 19 to 17 dwellings. The proposed layout has also been reconfigured to ensure that the dwellings all have on plot parking and a usable rear garden which would not be

over dominated by retained trees to their rear boundaries. Highways are satisfied that the proposed density of the development would not have a detrimental impact upon highway safety in terms of potential traffic generation and the proposed level of parking.

- 7.4 It is considered that the proposed density of the Family First Centre site is acceptable and would be appropriate for the intended tenure. The proposal therefore accords with Policies ST1, BE4, H2 and H3 of the Local Plan.

ii) Layout and Design considerations (Policies BE2, BE3, BE5, NE5 and T3)

- 7.5 Policies BE2 and BE3 of the Local Plan and the NPPF recognises the importance of high quality design in making places better. The NPPF states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.6 Significant improvements have been made to the proposed layout as set out in the previous section. The new layout shows a 'perimeter block' form to the dwellings with continuous frontages grouped around the central courtyard style access road, to provide a clear definition between public and private space throughout. The scheme has been designed to provide active frontages and surveillance of the street and also to create secure private rear gardens. The new dwellings are two storeys in height and largely semi detached to reflect its context. An important aim of the proposed layout has been to ensure that the new dwellings relate well to perimeter trees and provide longer north facing rear gardens. Front boundaries are proposed to be enclosed.
- 7.7 The Family First Centre site immediately adjoins the conservation area and forms an integral part of the street scene along this part of Albert Road. Any redevelopment proposals should therefore be designed to a high quality, to ensure that it makes a positive contribution to the character and appearance of the adjacent conservation area. The architectural treatment of the proposed dwellings (Site B) has been the subject of detailed design consideration and various design options have been considered in order to improve the overall quality of scheme. The applicant has now put forward revised designs for the dwellings which significantly improve the design and appearance of the new dwellings. The design of the scheme remains contemporary in its approach and it is considered that the revised elevations of the dwellings, together with the palette of materials, would create a clear and straightforward architectural language. Full details of the materials will be required by condition. Overall it is expected that the scheme will achieve Building for Life silver standard.
- 7.8 Mayholme (Site B) is an attractive Edwardian building which reflects the character of other properties in the Alexandra Park Conservation Area. The proposed conversion to four dwellings would provide a future use which would be compatible in terms of its scale and layout with development proposals for the remaining part of the site. The proposed reinstatement of the original window openings and profiles would ensure that the development would enhance the character of the existing conservation area.
- 7.9 The layout and design of the buildings is considered to be appropriate and would therefore accord with Policies BE1, BE2, BE3, BE5 and T3 of the Local Plan.

(iii) Highway considerations (Policies BE2 and T3)

- 7.10 The redevelopment of the Family First Centre site for a small residential scheme for 17 dwellings would not have a significant impact upon the surrounding highway network in terms of traffic generation and access.
- 7.11 The site is located in a highly sustainable location with the site being within two minutes walking distance of a bus stop on Woodborough Road. The NCT Sky Blue line serves these bus stops providing direct bus services to the City centre from Mapperley, Gedling, Mapperley Plains, Arnold and beyond. Buses serve these stops every 7 minutes during the day Mondays to Saturdays.
- 7.12 It is considered that there would be an adequate amount of car parking for future residents. Of the 17 dwellings proposed, 10 would have two off-street parking spaces. Seven of the smaller units would have 1 parking space each. The total parking provision for development is at the ratio of 1.5 per dwelling which is considered to be acceptable given the proximity of the development to frequent bus services between the site and the City Centre and wider Nottingham area.
- 7.13 The layout of Site B has been revised in light of previous highway comments to include an additional turning head at the eastern end of the new road layout. This would provide improved vehicle manoeuvrability for this part of the development. The detailed design as part of the details for the new road and access onto Albert Road would be secured by condition, to ensure that it is constructed up to adoptable standard.
- 7.14 The management of traffic during the construction phase of the development will be important in order to minimise its impact on neighbouring properties and to ensure that no adverse impact is felt on the surrounding highway network. A Construction Management Plan is proposed to be secured by condition.
- 7.15 It is therefore considered that the development satisfies the requirements of Policies BE2 and T3 of the Local Plan.

iv) Impact on residential amenity (Policy BE3)

- 7.16 The proposed layout has been designed to ensure that there would be no adverse impact upon the amenities of nearby existing residents and the future occupants of the new development in terms of light and privacy. Boundary treatments are proposed to be secured by condition and on this basis, the proposal complies with policy BE3 of the Local Plan.

(v) Section 106 matters (Policies ST1 and R2)

- 7.17 **Public Open Space Contribution (R2):** The applicant has agreed a financial contribution of £32,543.14 for the Family First Centre site towards provision / improvement public open space, which will be secured by a S106 obligation. The development would therefore comply with the requirements of policy R2.
- 7.18 **Education Provision (ST1):** In terms of education the local primary schools are currently already experiencing capacity issues and consequently a development of the size proposed is going to increase pressure for school places. On the basis that the Family First Centre site would provide 17 dwellings, it is anticipated that this will generate a requirement for 2.5 school places and a total contribution of £20,983.

The applicant has agreed to this financial contribution which is proposed to be secured by S106 obligation.

- 7.19 **Existing Use of Mayholme:** The re development of the Family First Centre site has been designed on a comprehensive basis to include the proposals for conversion of Mayholme to 4 dwellings. Whilst is the intention of the applicant to construct the 13 new dwellings on Site B and manage them as affordable units, Site A is likely to be sold. Mayholme was previously used by the Family First Centre as nine bed-sit rooms, with associated common room and office accommodation. The existing planning status of the property enables Mayholme to be continued to be used for this purpose used for this purpose without the need of planning permission. In order to mitigate against the impact of potential traffic and associated amenity concerns, it is necessary to prohibit the existing use of the Mayholme upon commencement of development on any part of the Family First Centre site. The applicant has agreed to this and the restriction is to be secured by S106 obligation.

Other Matters (Policy NE12)

- 7.20 **Contamination (NE12):** Pollution Control recommends conditions relating to ground contamination and gaseous emissions in accordance with policy NE12.

8. SUSTAINABILITY / BIODIVERSITY (BE4, NE3, NE5 and NE14)

- 8.1 The dwellings would be built to Level 3 of the Code for Sustainable Homes.
- 8.2 An Energy Statement has been submitted with the application which identifies that the development will principally take a fabric first approach to deliver a 10.6% carbon emissions reduction. The proposals for achieving this include:
- Improved insulation levels to walls and roofs;
 - Adopted enhanced APA details to minimize thermal bridging;
 - Improved air tightness target;
 - Improved heating controls to time and temperature zone control;
 - Improved u values of windows and external doors.
- 8.3 As stated in previous sections of this report large mature are positioned around the west, north and eastern boundaries of the site, some of which are protected with Tree Preservation Orders. The trees have suffered from poor maintenance and have been left to grow to a significant height and in close proximity to each other. The proposed redevelopment of the site will involve removal of some of the trees and those remaining are proposed to subject to a detailed schedule of tree works which would be agreed by condition and carried out prior to the commencement of any development on Site B.
- 8.4 An ecological survey carried out on the site concluded that the site was dominated by buildings and hard standings with little ecological value. The key ecological features on site, in relation to the works proposed, include the buildings with features deemed suitable for roosting bats and the trees with potential for nesting birds and as foraging habitat for bats. Three further bat activity surveys were carried out in relation to the existing buildings which found no evidence of bat activity associated with the buildings and such the buildings have subsequently been demolished. No evidence of additional protected species was found on the site. It is therefore considered that the development would not have a detrimental

impact on the existing biodiversity of the area. A further bat survey has been carried out of the existing trees, which have shown no evidence of bat roosts.

- 8.4 It is considered that the development satisfies the requirements of policies BE4, NE14, NE3 and NE5 of the Local Plan.

9 FINANCIAL IMPLICATIONS

A financial contribution for Open Space and Education will be negotiated in accordance with Local Plan policy.

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: the development would provide high quality and sustainable residential development.

Safer Nottingham: the development would help provide a safer and more attractive neighbourhood.

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: 13/01909/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01909/PFUL3>

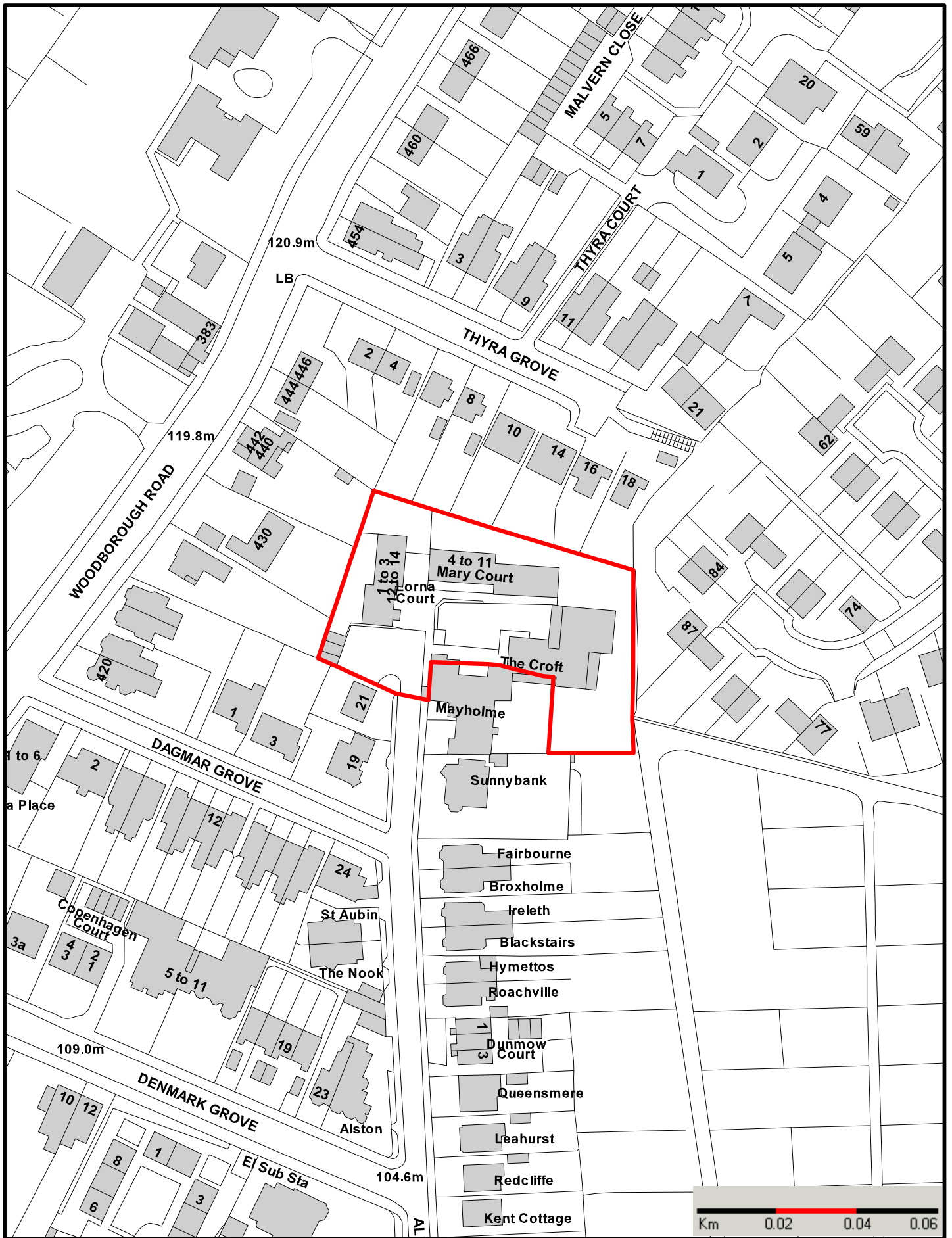
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Jo Briggs, Case Officer, Development Management.

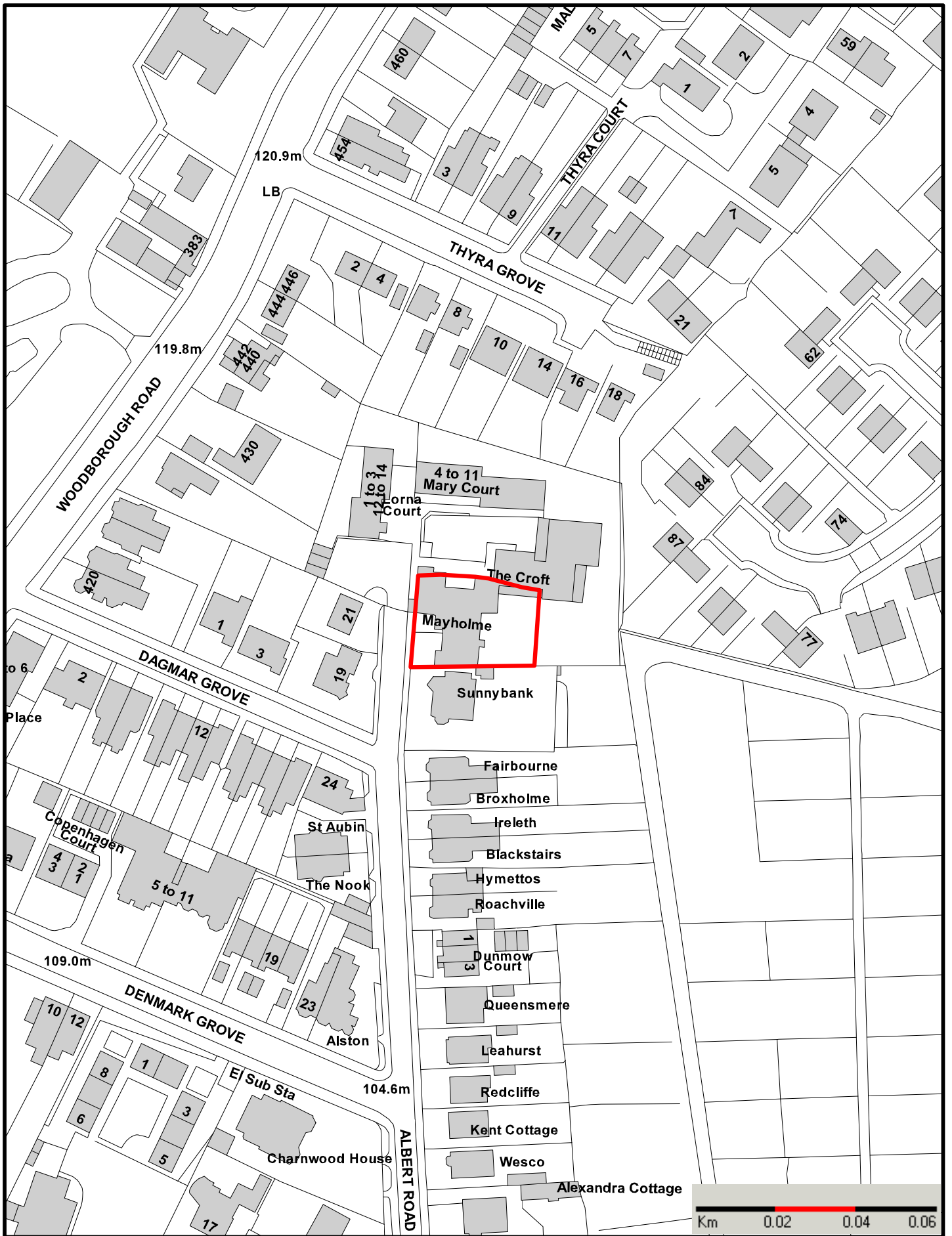
Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041



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Nottingham
City Council



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Nottingham
City Council

My Ref: 13/01909/PFUL3 (PP-02807724)
Your Ref:
Contact: Jo Briggs
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Station Street
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NG2 3NG

Tel: 0115 8764447
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Halsall Lloyd Partnership
FAO: Mr Oliver Roberts
53 Forest Road East
Nottingham
NG1 4HW

Date of decision:

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

Application No: 13/01909/PFUL3 (PP-02807724)
Application by: Leicester Housing Association
Location: Lorna Court, Mary Court And The Croft , Albert Road, Alexandra Park
Proposal: 13 dwellings.

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 commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify the detail of trees proposed to be removed, measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans and a schedule of tree work for the retained trees.

The approved schedule of tree work shall then be carried out prior to the commencement of development on site.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

3. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- (i) Vehicular access to the site and the type, size and frequency of delivery to/from the site;
 - (ii) The parking of vehicles of site operatives and visitors;
 - (iii) Loading and unloading of plant and materials;
 - (iv) Storage of plant and materials used in constructing the development;
 - (v) Wheel washing facilities;
 - (vi) Measures to control the emission of dust and dirt during construction.

The Construction Method Statement shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan

4. The development shall not be commenced until a detailed scheme to deal with contamination of the site, which shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation
 - ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found
 - iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
 - iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

Reason: In the interests of the health and safety of the occupiers of the development and to ensure that the principal aquifer underlying the site is protected in accordance with Policy NE12 of the Nottingham Local Plan.

5. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- i) details of an investigation and assessment of the gaseous emissions on the site;
 - ii) proposals for ensuring the safe removal of gas;
 - iii) proposals for preventing the lateral migration of gas; and
 - iv) any other remedial measures shown in the assessment to be necessary.

Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.

6. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

7. The development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

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 in accordance with Policy NE10 of the Local Plan.

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

The development shall be implemented in accordance with the approved details.

Reason: To ensure a high quality development in accordance with Policy BE3 of the Local Plan.

9. 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.

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

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

10. The development shall not be commenced until details of enclosure for the site boundaries and individual plots have been submitted to and approved in writing with 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 will be satisfactory in accordance with Policy BE3 of the Local Plan.

11. The development shall not be commenced until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan

12. The development shall not be commenced until detail of the access onto Albert Road have been submitted to and agreed in writing with the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan

Pre-occupation conditions

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

13. No part of the development shall be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.

14. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.

15. The development shall not be occupied 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.

The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of 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 in accordance with Policy BE5 of the Local Plan.

16. No part of the development shall be occupied until the proposed access and garage/parking spaces for that part have been provided and surfaced with porous or permeable materials and, where appropriate, individual spaces marked out in accordance with the approved plans.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan

17. No dwelling shall be occupied until the site boundary and the boundaries of individual plots have been enclosed in accordance with the approved details.

Reason: In the interests of the occupiers of nearby property in accordance with Policy BE3 of the Local Plan.

18. No part of the development shall be occupied until details of a scheme for the inclusion of bird and bat boxes within the development has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the type, number and position of the bird and bat boxes.

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

Reason: In the interests of nature conservation in accordance with Policies NE3 of the Local Plan.

Regulatory/ongoing conditions

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

Standard condition- scope of permission

S1. Except as may be 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 13 August 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. The Arboricultural Method Statement to be submitted shall be prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations'. It may include the following elements as appropriate:

- Protective fencing for retained trees
- Schedule of tree work
- Method of working within identified root protection areas

- Installation of service and utility runs
- Arboricultural monitoring and record keeping
- Pre-commencement site meeting
- Method of working for landscape operations

5. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. For example it is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, and this can impact upon site clearance works during the main nesting season which runs from April to September. Some other animals for example badgers, bats and water voles are protected under other legislation. An ecological survey and report may be required to establish the plant and animal species present on a site and the implications of this for development of the site. Whilst these aspects may have been considered during the processing of the planning application responsibility for complying with this legislation rests with the developer and/or contractor.

6. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting
Water sprays/damping down of spoil and demolition waste
Wheel washing
Periodic road cleaning

7. Please contact the Tree Officer, Edmund Hopkins, for advice regarding tree protection. (0115 8764054, email edmund.hopkins@nottinghamcity.gov.uk).

8. 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.

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 very effort to prevent it occurring.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens on 0115 876 5293 at the earliest opportunity.

The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where highway features are considered above and beyond what is required for the safe and satisfactory functioning of the highway. For further information regarding the collection of commuted sums the applicant should contact Liz Hiskens in the Highway Programmes Section on 0115 876 5293.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293.

9. 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: 13/01909/PFUL3 (PP-02807724)

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/pcs.

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.

My Ref: 13/01946/PFUL3 (PP-02816404)
Your Ref:
Contact: Jo Briggs
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Halsall Lloyd Partnership
FAO: Mr Oliver Roberts
53 Forest Road East
Nottingham
NG1 4HW

Date of decision:

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

Application No: 13/01946/PFUL3 (PP-02816404)
Application by: Leicester Housing Association
Location: Mayholme , Alexandra Park, Nottingham
Proposal: Alterations and conversion to create 4 dwellings.

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 shall not be commenced until a detailed scheme to deal with contamination of the site, which shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation
 - ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found
 - iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
 - iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

Reason: In the interests of the health and safety of the occupiers of the development and to ensure that the principal aquifer underlying the site is protected in accordance with Policy NE12 of the Nottingham Local Plan.

3. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- i) details of an investigation and assessment of the gaseous emissions on the site;
 - ii) proposals for ensuring the safe removal of gas;
 - iii) proposals for preventing the lateral migration of gas; and
 - iv) any other remedial measures shown in the assessment to be necessary.

Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.

4. The development shall not be commenced until details of all external materials, including details of replacement windows have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: To ensure a high quality development in accordance with Policy BE3 of the Local Plan.

5. The development shall not be commenced until details of areas to be hard landscaped, including the proposed parking areas, which should be of permeable 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 will be satisfactory in accordance with Policy BE3 of the Local Plan.

6. The development shall not be commenced until details of enclosure for the site boundaries and individual plots have been submitted to and approved in writing with 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 will be satisfactory in accordance with Policy BE3 of the Local Plan.

7. The development shall not be commenced until details of the access arrangements to enable the parking spaces for plots C and D to be provided have been submitted to and agreed in writing with the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan

Pre-occupation conditions

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

8. No part of the development shall be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.

9. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.

10. The development shall not be occupied 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.

The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of 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 in accordance with Policy BE5 of the Local Plan.



11. No part of the development shall be occupied until the proposed access and parking spaces have been provided and surfaced with porous or permeable materials and, where appropriate, individual spaces marked out in accordance with the approved plans.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan

12. No dwelling shall be occupied until the site boundary and the boundaries of individual plots have been enclosed in accordance with the approved details.

Reason: In the interests of the occupiers of nearby property in accordance with Policy BE3 of the Local Plan.

13. Prior to the occupation of the development hereby permitted, the proposed bin storage shall be provided and made available for use.

Reason: To provide suitable refuse collection for residents and in the interests of visual amenity, in accordance with Policy BE3 of the Local Plan.

Regulatory/ongoing conditions

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

Standard condition- scope of permission

S1. Except as may be 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 9 August 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. If your building/construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start. You can contact the Highways Hotline on 0115 915 2161 (Answerphone outside office hours) or Fax on 0115 915 2103 (anytime).

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: 13/01946/PFUL3 (PP-02816404)

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.

WARDS AFFECTED: Dunkirk And Lenton

PLANNING COMMITTEE
23rd October 2013

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Grove Farm Sports Ground, Lenton Lane

1 SUMMARY

Application No: 13/01313/PFUL3 for planning permission

Application by: CPMG Architects on behalf of The University Of Nottingham

Proposal: Two new sports pavilions/changing rooms following demolition of existing buildings and associated works. Formation of parking area and change of use of part of agricultural land to use as playing fields.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this and the previous report to the Planning Committee on 21st August 2013, 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 Director of Planning and Transport.

3 BACKGROUND

This application was deferred at September Committee following concerns raised over the design and materials of the Pavilions. A copy of the previous report is attached. Revisions have been made to the scheme to address these designs concerns, details of which will be presented to Committee for consideration.

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

1. Application No: 13/01313/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01313/PFUL3>

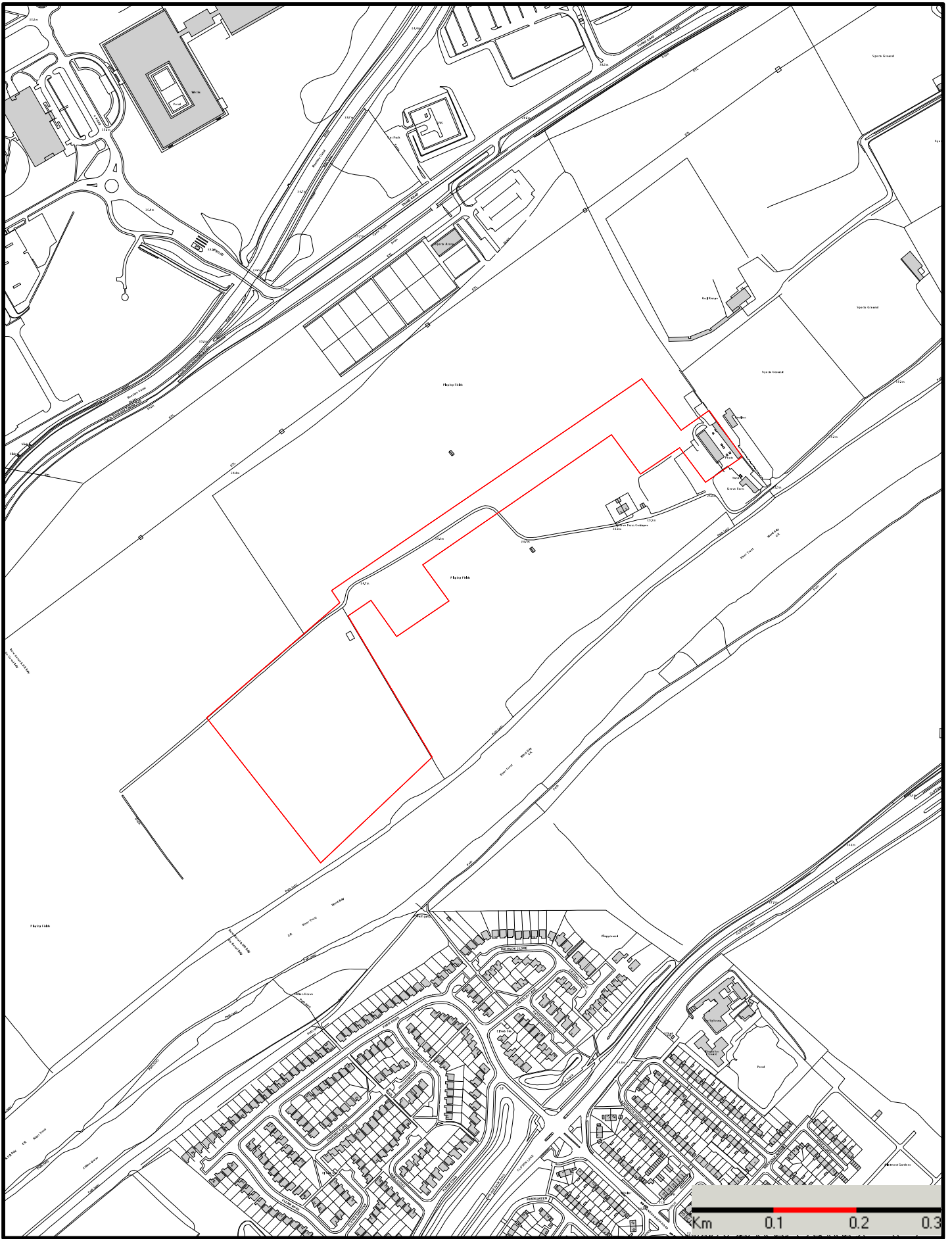
5 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs N Tyrrell, Case Officer, Development Management.

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Nottingham
City Council

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Grove Farm Sports Ground, Lenton Lane

1 SUMMARY

Application No: 13/01313/PFUL3 for planning permission

Application by: CPMG Architects on behalf of The University Of Nottingham

Proposal: Two new sports pavilions/changing rooms following demolition of existing buildings and associated works. Formation of parking area and change of use of part of agricultural land to use as playing fields.

The application is brought to Committee because it relates to a major development within the Green Belt.

To meet the Council's Performance Targets this application should be determined by 5th September 2013

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.

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 covers an area of approximately 6 hectares and comprises playing fields and farmland to the north of the River Trent and to the west of the Clifton Bridge. The site forms part of the Open Space Network and is within the Green Belt. The site also falls within Flood Zone 3b (functional floodplain) and borders Broxtowe Borough Council (BBC).
- 3.2 The site forms the Grove Farm Sports Ground which accommodates the majority of the University of Nottingham's sports pitches. It currently accommodated intra-mural, society and faculty matches throughout the year. There are 16 football pitches, 4 rugby pitches and 3 cricket pitches.
- 3.3 To the southeast of the site are a collection of buildings and hard standing areas used by University staff and visitors which are accessed from Lenton Lane. The buildings comprise Glebe Farm cottages occupied by two members of ground staff, the 'Old House' which is used as male changing facilities and two outbuildings / barns which are currently used as female changing rooms and groundsman's storage.

- 3.4 Thane Road runs adjacent to the northern most part of the site which is predominantly used for access into the Boots Campus and Power-league Sports Centre, which comprises a single storey gable end ridged roof pavilion building with associated car parking spaces and 14 no. 5-a-side pitches. Thane road is raised above the flood plain, approximately 5 metres higher than the site ground level. Public paths run along the south of the site. Electricity pylons are located along the north west side of the site crossing in a north eastern/south westerly alignment.

RELEVANT PLANNING HISTORY

- 3.5 Planning application reference 11/02419/PFUL3 proposing the erection of 2 wind turbines including supporting ancillary structures and creation of new access roads, was refused in February 2013.

4 DETAILS OF THE PROPOSAL

- 4.1 Full planning permission is sought for two new sports pavilions accommodating changing room facilities following the demolition of the two existing outbuildings. The gross external floor area for the two combined buildings would be approximately 1,880 sq metres. Associated works are proposed in the form of a new access road linking the two pavilions and formation of a parking area located on land currently occupied by the outbuildings. The access road within the site would link to the existing access from Lenton Lane and onto the public highway. A change of use of part of the agricultural land to the south west corner of the site to extend the playing fields is also proposed. The 'Old House' and glebe cottages are to be retained. The wet facilities would be removed from the house and no longer used as changing facilities.
- 4.2 The pavilions would be virtually identical and Pavilion A would be located close to the group of existing buildings. Pavilion B would be located further west (by approximately 300 metres) in close proximity to sports pitches at the western part of the site.
- 4.3 The design of the pavilions has a contemporary barn aesthetic. Both are pitched roofed, single storey with plant equipment hidden within the roofspace. The overall height of the pavilions to ridge level is approximately 10.5m, 4.87m to eaves level. The ground floor slab of the building is raised 1.5m above existing ground level due to the floodplain. The pavilions would span 19.5 m in width and 51.7m in length. Both include associated entrance steps and pavilion A also includes a ramped access. Both pavilions include a plinth constructed from gabions as part of the flood alleviation measures.
- 4.4 The proposals would provide 19 football pitches, 4 rugby pitches, 2 lacrosse pitches, 1 Gaelic-football pitch, 1 baseball pitch, 1 American football pitch and the potential for 3 cricket pitches and 2 softball pitches. The increase in pitch numbers is a result of improved pitch management and the proposed change of use of part of agricultural land currently located to the south west corner of the site.
- 4.5 The developer is offering local employment and training opportunities during the construction phase of the development. Local employment and training opportunities associated with the maintenance of the University's wider property portfolio have also been agreed outside of the scope of this application. The mechanisms for providing these benefits will be by way of a S106 obligation.

5.0 **CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

- 5.1 Publicity was undertaken through the display of a site notice and publication of a press notice. The following adjoining occupiers were initially consulted and recently re-consulted following the receipt of additional and amended information. The overall expiry date for consultations was 14th August 2013.
- 5.2 Trentside Farm, Greenwood Meadows Football Club, Riverside Golf Centre, Dunkirk Sports And Social Club, Notts Unity Casuals Cricket Club, Restaurant Sat Bains, The Dave Eastwood Sports Ground, 1 & 2 Grove Farm Cottages Lenton Lane. Power League Soccer Centre Thane Road and 14 Fleming Gardens.

Additional consultation letters sent to:

Noise and Pollution Control: No comments to make.

Highways: A swept path analysis is needed for the new access road. The applicant is intending to increase the availability of car parking on site to 140 car parking spaces, from 100 existing in an undefined arrangement. cycle parking provision would be increased on site which is welcomed but the number not specified. Cycle parking should be lit, secure and undercover.

Comment: *A swept path analysis has been provided and the number of cycle bays has been confirmed at 14 which is now acceptable.*

Drainage: There are concerns from a drainage perspective which need addressing prior to the determination of the application. The Finished Floor Level of the new pavilions were queried. Given the low spots approaching the site, details need to be provided as to how the issue of becoming 'marooned' will be prevented / addressed. Calculations regarding flood storage volume are required.

Comment: *The finished floor levels have been confirmed and a flood evacuation management plan has been provided which is considered to be acceptable. However, flood storage volume calculations have been requested.*

Environment Agency: In the absence of an acceptable Flood Risk Assessment (FRA) there is an objection to the proposal and a recommendation to refuse. The submitted FRA does not comply with the requirements set out in the Technical Guide to the National Planning Policy Framework NPPF. The submitted FRA does not provide an appropriate level of information to make a full assessment of the flood risks associated with the scheme. There is a lack of clarity over the setting of floor levels relative to the flood levels and the unaccounted for large pile of earth located next to the Grove Farm buildings, which has a significant adverse impact on flood flows/ storage capacity and therefore should be removed. There are inadequacies in sections of the FRA relating to flood flow and flood storage.

In terms of minimising the potential impact on flood flows, the reorientation of Pavilion A by 90 degrees was suggested to minimise the impediment to flood flow caused by the building. The details of proposals to compensate for the loss of floodplain storage are considered to be flawed and need to be revised, taking into account the loss of storage volumes from the old farm buildings and the new gabion structures, as well as any parts of the proposed buildings which are below the flood level.

The FRA needs to include details of flood resilience measures for the proposed buildings. The FRA does not adequately demonstrate that the proposal would be

water compatible development.

Comment: *An amended FRA has been submitted to address the above concerns and the Environment Agency have been re-consulted. Further comments will be reported at Committee.*

Broxtowe Borough Council: No objections to proposal.

Sport England: The site forms part of playing fields and is considered in light of playing fields policy, the aim of which is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

The proposed pavilions and revised access road would impact on the existing playing field area and therefore the provision of the additional land for new and replacement sports pitches is important. It is recommended that the increased playing pitch area and the pitch re-positioning should be carried out prior to the commencement of the development to construct the facilities and access road as submitted. A number of detailed design concerns have been raised and Sport England have submitted a holding objection until these are addressed.

Comment: *Amendments have been made to the scheme to address the above concerns and Sport England have been re-consulted. Further comments will be reported at Committee.*

Nottingham Wildlife Trust: The trust supports the recommendations set out in the Ecology Assessment and request that planning approval is conditional upon the protection of badgers and nesting birds as described in that document. It is requested that further Bat Activity Surveys and their assessment are completed before the planning application is determined.

Biodiversity & Greenspace Policy Officer: The ecology report has highlighted that the buildings proposed for development have the potential to support roosting bats, and have therefore recommended further survey. These surveys are needed prior to determination of the planning application.

Comment: *A bat emergent survey has been undertaken and the biodiversity officer has been re-consulted. Further comments will be reported at Committee.*

Severn Trent Water: No objection to proposal. It is recommended that a drainage plans be submitted and approved prior to the commencement of development.

Comment: *This is a Building Regulations matter.*

A letter received from Councillor Tim Spencer on the 14/06/13 questioning the historic merit of the buildings to be demolished and whether a bat survey has been undertaken.

A series of correspondence has been received from a local Clifton resident objecting to the proposal on the following grounds:

- The County Council Historic Environment Record was provided for Grove Farm.
- There is a heritage value to Grove Farm (the farm house and buildings) as an intact group of farm buildings.
- The former barn and granary wagon / cart sheds and cowshed (now used as female changing rooms and grounds man storage respectively) date from 1927 and there is a Royal connection.

- The riverscape setting of the buildings is distinctive when viewed from the Trent-side footpaths or Clifton Bridge.
- The farm buildings are proposed to be demolished and replaced with ad hoc Pavilion buildings which are inappropriate and would weaken Grove Farm's heritage.
- The buildings would be replaced with 40 extra car-parking spaces. Alternative options should be considered to avoid demolition but still balance floodplain requirements.
- It would result in further hardstanding.
- The visualisations show the proposed pavilions and associated works as too urban in appearance, the grey colour and signage scheme does not respect the green belt.
- It is not conserving or responding to the countryside context.
- It is likely that Security lighting proposals will follow which would go against the amenity / nature of this relatively dark corridor.
- The positioning of pavilion B would impinge on views from the entrance, footpaths, the A453 and Clifton, especially during winter months.
- Concern over change of use resulting in loss of agricultural land and its impact upon the Greenbelt and how the proposal, together with Boots proposals, might cumulatively effect the finely balanced scenery.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on applications. The NPPF proactively encourages and places significant weight on sustainable economic growth through the planning system.

Paragraph 17 of the NPPF also recognises that some open land can perform many functions such as for recreation, and flood risk mitigation.

Paragraph 58 of the NPPF advises that design should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The document supports seeking to promote or reinforce local distinctiveness.

Paragraphs 81 and 88 of the NPPF advises Local Planning Authorities to plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity. It should also be ensured that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 of the NPPF advises that developments in the Green Belt meeting the exceptions test are the provision of appropriate facilities for outdoor sport, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Paragraphs 100-102 of the NPPF set out the tests for development in areas at risk of flooding.

Paragraph 103 of the NPPF states that Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Paragraph 135 of the NPPF advise that in assessing applications, a balanced judgement is required having regard to the scale of harm or loss and the significance of the heritage asset (paragraph 135 of the NPPF).

Nottingham Local Plan (November 2005):

R1 - The Open Space Network. Complies

R5 - Playing Fields and Sports Grounds. Complies

BE3 – Building Design. Complies

NE2 - Nature Conservation. Complies

NE3 - Conservation of Species. Complies

NE8 - Green Belt. Complies

NE10 - Water Quality and Flood Protection. Complies

T3 - Car, Cycle and Servicing Parking. Complies

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Appropriateness to the Green Belt and Open Space Network
- ii) Residential Amenity
- iii) Impact upon the Playing Fields
- iv) The Historic Environment
- v) Flood Risk
- vi) Parking

Appropriateness to the Green Belt and Open Space Network (Local Plan Policies BE3, NE8 and R1)

- 7.1 The site is located in the Green Belt where there is a presumption against inappropriate development. This area is also designated as part of the Open Space Network where there is a presumption against development that would have an adverse affect. The NPPF advises that the construction of new buildings in the Green Belt is inappropriate development, unless it is for one of a list no. of exemptions, including *'provision of appropriate facilities for outdoor sport, outdoor*

recreation on the basis that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.' The proposal is considered to comprise the above exemption which is not classed as inappropriate development. The proposal is not considered to be harmful to and would preserve the openness of the Green Belt for the reasons set out below.

- 7.2 The justification for the proposed replacement facilities is due to the existing buildings being in poor condition, inadequately located and vulnerable to break-ins and vandalism. The existing facilities do not meet current standards and space requirements and are unable to meet the current recreational activity on the site.
- 7.3 The proposed pavilions' contemporary barn aesthetic is felt to be of merit and an interesting response to their function, the site context and the constraint of floodplain.
- 7.4 It is recognised that the new pavilions would be significantly larger than the outbuildings they would be replacing and although single storey are relatively high at 10.5 metres to ridge level. However, the main reason for this is due to the ground floor slab being 1.5m above existing ground level for flood alleviation measures. The pitched roofed design also has the benefit of concealing plant equipment and storage tanks within the building.
- 7.5 Although the single storey approach may have an increased footprint in comparison to a two storey solution, it is lower in height in terms of preserving the openness of the Green Belt. The agents discounted the option of one larger pavilion over two smaller pavilions as it was felt this would have less impact upon the Green Belt and would help with the ongoing site management strategy. The layout of each pavilion has been designed to reflect the principles set out in Sport England's guidance to ensure a practical, efficient and accessible layout. The pavilions have been designed to have a footprint and height which are as small as is practicably possible given the site constraints. The proposed scale and size are considered to be justified in this particular case.
- 7.6 The rationale for the siting of the pavilions is that the western most part of the site is currently poorly accessed and is a significant distance from the current changing facilities (approximately 700m away at the furthest point). Furthermore the change of use of part of agricultural land to playing field is located even further west of the site. The proposed pavilions would be sited to best serve the improved site management strategy and sporting activity on the site. The new access road would link the two pavilions and enable coaches to drop off participants at pavilion B.
- 7.7 Distancing the pavilions would improve the management of the facility on match days. Players and spectators would not have to walk long distances to and from the changing facilities and toilets. Having two pavilions at a distance helps with flexibility of recreation use and number of different sports that can be played.
- 7.8 The pavilions would be positioned and aligned in a manner to reduce their visual impact. In particular, Pavilion A would also be screened by vegetation to the south thus reducing its visibility when viewed from the River Trent footpath and beyond.
- 7.9 The proposal is to finish the main facades of the pavilions in dark grey close textured blocks, to provide a strong contemporary aesthetic, yet one which is also 'barn like' in appearance and both robust and resilient to vandalism. A recessed area is proposed to one side of each pavilion to be finished in contrasting close

textured grey block to provide a distinctive covered area for spectators to shelter. The pitched roof covering is to be a grey metal profiled cladding system. Both buildings include a plinth constructed from gabion walls as part of flood alleviation measures. The chosen aesthetic materials are considered to be appropriate to the Green Belt context.

- 7.10 Windows have been kept to a minimum for security and vandalism reasons. Sunpipes are proposed to the roof to provide natural daylight to the corridors. The lack of windows is considered to be acceptable and in keeping with the barn aesthetic.
- 7.11 The main car park would be constructed using a porous paving system, similar to Eco-block, to preserve the natural grassland appearance and to enable permeability of water on site.
- 7.12 The proposed position of the parking area is considered to be the most appropriate and logical as it is already an area of hard surfacing and is close to the entrance.
- 7.13 The change of use of the agricultural land to playing field is similarly considered to satisfy the exemptions criteria of development in the Green Belt and Open Space Network. It would clearly maintain the openness of the area and no natural features would be affected as a result i.e. loss of hedgerows.
- 7.14 In conclusion the proposal is considered to satisfy the NPPF and relevant Local Plan Policies insofar as they relate to development affecting the Green Belt and Open Space Network.

ii) Residential Amenity (Policy BE3)

- 7.15 Although there would be a net gain in the number of sports pitches, there is no intention to significantly increase the capacity of the existing facilities. Games would continue to be held as per the existing situation with a similar number of participants using the site anticipated. The proposal is seeking to replace existing facilities and is therefore like-for-like in nature to the existing situation. Given the distance the neighbouring residential properties are situated the proposal is unlikely to affect their living conditions of adjacent properties. The proposal would therefore comply with policy BE3.

iii) Impact upon Playing Fields (Policy R5)

- 7.16 Each pavilion comprises 6 no. 22-person and 13 no. 18 person changing rooms, changing areas for male and female officials (10 person and 5 person respectively) and other ancillary facilities. The layout of each pavilion has been designed to reflect the principles set out in Sport England guidance, to ensure a practical, efficient and accessible layout is provided. However, the changing rooms are slightly smaller than Sport England guidelines would require, so that the pavilions are themselves smaller and less intrusive in the Green Belt.
- 7.17 It is likely that the sports use of Grove Farm would be seriously compromised if the changing room provision was not upgraded due to the poor condition of the existing facilities.
- 7.18 The site layout shows a net gain in the number of sports pitches. However, there is no intention to significantly increase the overall capacity of the existing facilities.

Games would continue to be held as per the existing situation on Wednesdays, Saturdays and Sundays. A similar number of participants would use the site but with improved facilities, enhanced site management, greater flexibility and increased variation of sport played at any one time. The number of proposed changing rooms would comfortably meet the capacity of users on any of the given three days.

- 7.19 Any recreational land that is lost through the development would be mitigated through the change of use of part of the agricultural land to the south west corner of the site, that would extend the playing fields. The additional pitches resulting in the change of use will provide the ability to rest 2 or 3 pitches whilst goal areas are reseeded, drainage is improved etc.
- 7.20 Amendments have been made to the interior facilities of the pavilions which are anticipated to address the concerns raised by Sport England. An update on this matter will be provided at Committee.

iv) The Historic Environment (Policy BE3 and NPPF)

- 7.21 The proposal would result in the demolition of two C1927 farm buildings which are currently used as changing rooms and for equipment storage. These buildings were constructed while the site was in the ownership of the Crown Estate. The buildings are currently in poor condition.
- 7.22 The functional design and age of the buildings afford them a relatively limited degree of significance in their own right. As part of the Grove Farm complex the buildings make a contribution to the setting of the 19th century farmhouse, albeit not being contemporaneous with it. The house which is to be retained and refurbished is considered an undesignated heritage asset due to its age and architectural quality. In assessing the application, a balanced judgement is required having regard to the scale of harm or loss and the significance of the heritage asset (paragraph 135 of the NPPF).
- 7.23 Historic maps of Grove Farm show that an older U shaped range of agricultural buildings (which once adjoined the farmhouse) was demolished in the mid 20th century. This has left the 1927 buildings as evidence of the former agricultural use of the site.
- 7.24 It is recognised that demolishing the buildings would have an effect on the significance of the farmhouse by removing the link to its historic agricultural use. However, it is considered that the new replacement pavilions, with their barn aesthetic would still mean that this link to the historic agricultural use is capable of being read.
- 7.25 The outbuildings do not meet accommodation requirements and would increase the flood volume if retained alongside the new proposals.
- 7.26 The siting of the pavilions is considered to be appropriate in the context of the setting of the retained house. In particular Pavilion A, being the closest to the old house, is at a sufficient distance (>100 m) such that it would not have an overbearing impact upon the setting of this historic asset.

v) Flood Risk (Policy NE10)

- 7.27 The pavilions have been designed to minimise their impact upon the flood plain and to not cause an adverse effect during times of flooding. The access road and car park would both be constructed of porous material to further reduce the impact on flooding.
- 7.28 The proposed finished floor levels would be 1.5m above existing ground levels with gabion walls screening the void beneath, thus allowing the area below the floor slab to flood. Amendments have been made to the scheme, such as the proposed removal of the large soil heap to help with flood storage capacity. An amended FRA has been submitted and it is anticipated that this will address the previous concerns of the Environment Agency.

vi) Highways and Parking (Policy T3)

- 7.29 A new access road is proposed to link Pavilions A and B in order for coaches to drop off participants at Pavilion B, turn round and return to the main entrance. This track would be approximately 5 metres in width and constructed in porous compacted stone.
- 7.30 A vehicle swept path analysis has been undertaken on the new access road as well as the coach turning circle and both are considered to be acceptable by Highways.
- 7.31 The proposals comprise an increase in the number of parking spaces on a combination of the existing parking area and land currently occupied by the out buildings proposed to be demolished. 140 spaces are proposed; this is not for an increase in demand, rather to meet current demand for which there is inadequate parking provision. This will also minimise parking along Lenton Lane. 14 cycle stands (to accommodate 28 cycles) are also proposed to be located close to the main entrance.
- 7.32 In response to earlier concerns raised by Drainage a flood evacuation management plan has been submitted in support of the proposals.

Other (Policy NE2 and NE3)

- 7.33 The recommendations of the Ecology Assessment are supported by the Nott's Wildlife Trust NWT. In line with the recommendations from the NWT a bat emergent survey has recently been submitted and found no evidence of bats emerging from either building to be demolished.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 An energy report accompanied the application proposing that photovoltaic panels be installed upon the roof of the pavilions to meet the 10% renewable energy requirement. Additionally, the proposed materials are robust and with good longevity, thus reducing need for regular maintenance and repair. The type of construction would create buildings with reduced u-values that are on par with or exceed the current Building Regulations requirements. Light fittings would be low-e with automatic switching where appropriate. The proposal includes the provision of adequate cycle storage.

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

Pavilion A would be fully accessible.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Working Nottingham – Providing new employment opportunities within the City.

World Class Nottingham – Enhancing the facilities of one of its world renowned Universities.

Healthy Nottingham: The development will encourage participation in leisure and sport and will promote activities associated with a healthy lifestyle.

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: 13/01313/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01313/PFUL3>
2. Emails from Biodiversity team dated 13/06/13 and 07/08/13.
3. Memos from Noise and Pollution Control dated 20/06/13 and 06/08/13.
4. Emails received from the same local resident on 24/06/13, 25/06/13, 03/07/13, 08/07/13 and 14/07/13.
5. Letter from Environment Agency dated 24/06/13.
6. Memo from Highways received on 19/06/13 and 18/07/13.
7. Letter from Severn Trent Water received on 01/07/13.
8. Letter from Sport England received on 01/07/13.
9. Letter from Nott's Wildlife Trust dated 22/07/13.
10. Letter received from Broxtowe Borough Council dated 26/06/13.
11. Email from Drainage dated 02/08/13.
12. Letter from Councillor Tim Spencer dated 14th June 2013.

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
The National Planning Policy Framework

Contact Officer:

Mrs N Tyrrell, Case Officer, Development Management.

Email: nicola.tyrrell@nottinghamcity.gov.uk Telephone: 0115 8764082

My Ref: 13/01313/PFUL3 (PP-02666645)
Your Ref:
Contact: Mrs N Tyrrell
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Station Street
Nottingham
NG2 3NG

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CPMG Architects
Mr Chris White
23 Warser Gate
The Lace Market
Nottingham
NG1 1NU

Date of decision:

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

Application No: 13/01313/PFUL3 (PP-02666645)
Application by: The University Of Nottingham
Location: Grove Farm Sports Ground, Lenton Lane, Nottingham
Proposal: Two new sports pavilions/changing rooms following demolition of existing buildings and associated works. Formation of parking area and change of use of part of agricultural land to use as playing fields.

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 shall not be commenced until details of all external materials of the pavilions and hard surfaced areas within the site 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 will be satisfactory in accordance with Policy BE3 of the Local Plan.

3. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of ground and surface water pollution in accordance with Policy NE9 of the Local Plan.

4. The development hereby permitted shall not be commenced until an Arboricultural Method Statement prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure the protection of trees during the construction period and in accordance with the aims of Policy NE5 of the Local Plan.

5. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority;
- a) a detailed landscaping and planting scheme for the development indicating the type, height, species and location of proposed trees and shrubs;
 - b) a habitat compensation plan

Reason: To ensure that the appearance of the development will be satisfactory and in accordance with Policies BE5, NE3 and NE8 of the Local Plan.

6. The development shall not be commenced until such time that a Construction Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set the proposed parking arrangements for all construction related staff including any sub contractors. The plan shall be implemented at all times whilst construction is underway unless agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policies BE2 and NE9 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 recommendations of the EMEC Ecology Report (July 2013), in particular those set out at paragraph 6.1.2 in respect of protection of badgers and nesting birds have been implemented.

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan.

8. The pavilions shall not be occupied until the agricultural land located to the south west of the site and identified on drawing no A-7386-70-003-P2 has been first converted to use as playing fields.

Reason: To minimise impact upon the provision of playing fields in accordance with Policy R5 of the Local Plan.

9. The pavilions shall not be occupied for more than 2 months until the parking area has been laid out and available for use

Reason: To ensure that there is adequate parking provision in accordance with Policy T3 of the Local Plan.

10. The pavilions shall not be occupied until the existing outbuildings have first been demolished.

Reason: In the interests of preventing long term reduction in flood plain capacity in accordance with Policy NE10 of the Local Plan.

11. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) University of Nottingham Grove Farm Sports Pavilions Revision 02, dated 24 July 2013, and the following mitigation measures detailed within the FRA:

1. All surface water run-off generated by the development shall be discharged through soakaway methods.
 2. Flood resilience measures to be incorporated into the buildings in line with current good practice, and to a minimum height of 1.05m above FFL.
 3. Flow conveyance pipes to be placed in all areas of gabions, in accordance with the details provided in paragraph 4.5.3 of the FRA.
 4. All identified outbuildings and women's changing room buildings are to be demolished to ground level to provide mitigation for the new build proposals.
 5. The existing large earth mound/compost heap shall be fully removed prior to construction of the new pavilions.
 6. All new roads, tracks, and parking areas shall be constructed at existing ground level, and there shall be no raising of existing ground levels other than as detailed in the FRA.
 7. The identified Flood Management and Evacuation Plan forms part of the mitigation measures and hence must be fully applied in all circumstances.
 8. Finished floor levels are set no lower than 26.50 m above Ordnance Datum (AOD).
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To minimise flood risk and to ensure satisfactory flood storage compensation is provided in accordance with Policy NE10 of the Local Plan.

12. The approved landscaping scheme and habitat compensation plan shall be carried out in the first planting and seeding seasons following the completion of the development 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 will be satisfactory and in accordance with Policies BE5, NE3 and NE8 of the Local Plan.

13. Prior to the development first being brought into use a revised travel plan with updated staff and student travel survey data must be submitted and approved in writing by the Local Planning Authority. This travel plan shall be based on previous versions submitted by the University and will make reference to schemes and developments that have occurred during the interim period. The travel plan will assess the performance of previous schemes by comparing the latest travel survey data with previous years and use this to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. Once approved the revised travel plan shall be implemented at all times.



Reason: To promote the use of sustainable travel and in accordance with Policies BE2 and T2 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference xx, received yy 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. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. For example it is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, and this can impact upon site clearance works during the main nesting season which runs from April to September. Some other animals for example badgers, bats and water voles are protected under other legislation. An ecological survey and report may be required to establish the plant and animal species present on a site and the implications of this for development of the site. Whilst these aspects may have been considered during the processing of the planning application responsibility for complying with this legislation rests with the developer and/or contractor.

4. 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: 13/01313/PFUL3 (PP-02666645)

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.

WARDS AFFECTED: Mapperley

PLANNING COMMITTEE
23rd October 2013

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

World of Mowers , 701 Woodborough Road

1 SUMMARY

Application No: 13/01653/PFUL3 for planning permission

Application by: SSA Planning Limited on behalf of KFC (GB) Limited

Proposal: Demolition of existing showroom and workshop and erection of restaurant with drive through facility, car park and amended access.

The application is brought to Committee because it has generated significant local interest.

To meet the Council's Performance Targets this application should have been determined by 2nd 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 located just within the City boundary on the north-west side of Woodborough Road and west of the junction with Woodthorpe Drive. It is currently occupied by a single storey lawnmower showroom building ('World of Mowers') with an associated forecourt sales area and customer car parking, and a secure yard area to the rear. There is vehicle access directly into the site off Woodborough Road. There is a secure palisade fence to the rear and further timber and other fencing to the side boundaries. The frontage to Woodborough Road is lined with low planters.
- 3.2 There is a Texaco petrol filling station with a Co-op convenience store to the north-east of the site. There is a covered reservoir and gas valve compound to the south-west. Opposite the site on Woodborough Road are a range of properties that are in mixed residential and business uses. There are further residential properties to the rear of the site, which are beyond an area of woodland and scrub that is referred to as Woodthorpe Drive Open Space.
- 3.3 Planning permission has been previously granted in May 2004 for the erection of a new motorcycle showroom, which has also been renewed in May 2009. Planning permission has also been granted in December 2009 for the erection of a new

warehouse to the rear of the site. Neither of these permissions have been implemented and have now lapsed.

4 DETAILS OF THE PROPOSAL

- 4.1 The application is for the demolition of the existing showroom and workshop building and the erection of a restaurant with a drive-through facility, car park and amended access.
- 4.2 The proposed restaurant building would be located in a similar position to the existing showroom building. It would be single storey with a gross floor area of 230sq.m. It would have a principal elevation and pedestrian entrance onto Woodborough Road. There would be a drive-through route around the perimeter of the building, and a 22 space customer car park to the frontage and north-east boundary of the site. Deliveries and refuse storage would be provided within the rear portion of the building. The existing palisade boundary fencing to the rear of the site would be replaced with timber fencing to match the side boundaries. Pockets of landscaping would be provided on the frontage of the site to Woodborough Road.
- 4.3 The proposed development is expected to generate local employment opportunities both during the construction and operational phases of the development. The applicant has stated that the restaurant use will create between 30 and 40 jobs, suitable to first and part-time employees.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by a site notice. Consultations have also been sent to:

705, 846 – 864(e) Woodborough Road
11 – 21(o) Wickstead Close

- 5.1 There have been 32 individual responses to consultation. A 30 signature petition has also been received. The responses received raise the following objections to the proposed development:
- Traffic levels and highway safety
 - Noise from customers and anti-social behaviour
 - Litter
 - Food odours
 - Effect on privacy
 - Impact on existing food outlets within the local centre
 - Unsustainable edge-of-centre location
 - General health and well-being

Additional consultation letters sent to:

Highways: No objection. The site is situated at a position where the City and the County both have responsibility for the highway network adjacent to the site. We have aimed to reach agreement with the County over all highway works deemed necessary as part of this scheme. The proposed development would lead to an

increase in turning movements compared to the existing site use and would also increase the numbers of pedestrians attempting to cross the road. A right turn lane is provided in order to mitigate against this road safety issue, reducing the northbound lane to 4.5 metres and the southbound lane to a 4 metre formalised single lane. The County have been consulted and have stated that they have no objections subject to detailed design of the access, pedestrian facilities and road marking details.

Nottinghamshire County Highways: (Consulted as neighbouring highway authority). No objection. Having considered the Transport Statement submitted with this application, there will be no material impacts of the development on the existing County's highway network. As such, the County Highway Authority would have no objections to the proposed development subject to the detailed design of the access arrangement together with the proposed pedestrian facilities and associated road marking details. Suggest that a combined (City and County Council) road safety audit to be carried out before commencing any highway works.

Gedling Borough Council: (Consulted as neighbouring local planning authority) No objection. City Council to be satisfied that the sequential assessment is satisfactory and acceptable and that the proposal accords with National and Local Plan Policies. Consider that the setting of the building could be improved by leaving some space along the frontage for landscaping including mature trees.

Pollution Control: No objection. Applicant should be advised if noise and/or complaints are received that appropriate action will be taken.

Biodiversity Officer: Site is adjacent to Woodthorpe Drive Open Space (green corridor). Appears from the site layout proposals that this area of woodland and scrub will not be directly affected by the proposals, as the trees are to be retained. Likewise, it appears that the lighting should not impact on this corridor. Only reservation would be that applicant should have a strategy for dealing with litter issues that could arise.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 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 development plan policies, 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.
- 6.3 Paragraph 24 requires the application of a sequential assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

- 6.3 Paragraph 56 states that great importance is attached to the design of the built environment, with paragraph 61 advising this not just limited to architectural appearance but wider design issues.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Nottingham Local Plan (November 2005):

BE1 - Design Context in the Public Realm.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

S5 - Retail development, Edge/Outside Centres.

S7 - Food and Drink.

NE2 - Natural Conservation.

NE9 - Pollution.

R1 - The Open Space Network.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of Development
- ii) Highway Impact
- iii) Impact on Residential Amenity
- iv) Layout and Design
- v) Impact on Ecology
- vi) Health Impacts

i) Principle of Development (Policies S5 and S7a)

- 7.1 The application site is located 110m from the Mapperley Plains District Centre (Gedling Borough Council). Policy S5 of the Local Plan states that planning permission for new retail development (other than to meet purely local needs) outside existing centres will only be granted where the need for the development has been demonstrated and where no other suitable sites are available within the nearest local centre. An edge-of-centre site is defined as one within easy walking distance (usually no more than 300m) of the local centre. The application site is, therefore, regarded as being in an edge-of-centre location.

- 7.2 The NPPF recognises drive-through restaurants as main town centre uses. In accordance with policies S5 and S7(a), a sequential assessment has been submitted with the application. This evaluates a total of 17 sites in terms of their availability, suitability and viability for the proposed development. Nine sites are identified within the Mapperley Plains District Centre, one is within the Woodborough Road Local Centre, and seven are at edge or out of centre locations along Woodborough Road between the two centres.
- 7.3 The submitted assessment concludes that there are no suitable alternative sites where the proposed development could be located. The majority are identified as being too small, with others either not being available or at locations that are sequentially less preferable than the application site. Whilst the NPPF requires that applicants should demonstrate flexibility on issues such as format and scale, as drive-through restaurants are noted as main town centre uses, it can be particularly challenging to accommodate them within existing centres. The submitted sequential test demonstrates that there are no sequentially preferable sites for a use of this type. In this regard, the proposal does not conflict with policies S5 or S7(a), or guidance contained within the NPPF.
- 7.4 The requirement to submit a needs test for retail developments on edge-of-centre and out-of-centre sites was removed from national policy in 2010 and therefore this element of policy S5 is no longer relevant in the context of this application. Policy S5 advises that where there are no suitable in-centre sites, this proposal should be considered with regard to the following:
- The impact on the vitality and viability of existing centres;
 - The extent to which the site is or can be made accessible by a choice of means of transport and whether the proposal will add to the overall number and length of car trips;
 - Whether the development would assist in enabling the wider redevelopment of brownfield sites for a variety of uses
 - Whether there are alternative sites available which better meet the above criteria
- 7.5 Impact on Existing Centres (policy S5(a))
The NPPF advises that where there are no local thresholds, the impact test only applies to retail development proposals that exceed 2,500sq.m of gross floorspace. As the proposed development floorspace is below this threshold, there is no requirement to consider the impact on existing Centres. Notwithstanding this, it is considered that the proposed development would not significantly impact on the vitality and viability of the Mapperley Plains District Centre. The site's edge of centre position is within easy and accessible walking distance of this centre where it can be expected that a proportion of customer trips will be linked to those visiting the centre. Whilst it must be anticipated that the higher proportion of trips to the proposed development will be made by car, it is also likely that many of these trips would occur already, either as linked trips to the centre or as commuter trips using Woodborough Road as a primary traffic route into and out of the city.
- 7.6 Accessibility by a Choice of Transport Modes (policy S5(c))
As stated above, most customers are expected to access the premises by private car, either those drivers already travelling along Woodborough Road, or those driving in or out of the City Centre. The site is located on a good bus route with bus stops nearby. The scheme proposes cycle parking facilities and improvements are proposed to provide improved pedestrian crossing facilities to residential areas on

the opposite side of Woodborough Road. People wishing to visit the site will therefore be able to do so without relying upon the private car. In this regard, the proposal is in accordance with policy S6(c).

7.7 Enabling the Wider Redevelopment of Brownfield Sites (policy S5(d))

The proposed site is an existing showroom site and will therefore make efficient use of brownfield land. While the scheme does not specifically facilitate wider regeneration, the use would be complimentary to the Local Centre and provides the opportunity to improve the site's appearance. In this regard, the proposal does not conflict with the aims of policy S5(d).

7.8 Alternative Sites (policy S5(e))

Being located close to an existing local shopping centre, on a main transport corridor, the site is considered to be suitable for this type of use. No alternative sites have been identified that would be better located and therefore the development does not conflict with policy S5(e).

ii) Highway Impact (Policy T3 and S5(b))

- 7.9 Whilst being edge of centre to the Mapperley Plains District Centre, the site is considered to be reasonably accessible by a range of transport modes other than by car. The site is located 110m from the District Centre and can be reasonably accessed by foot. Although Woodborough Road is not best suited to cyclists, as a primary route that links to other parts of the City's cycle network, it is well used. A number of bus services also travel along Woodborough Road and through the District Centre.
- 7.10 The site is located at a position where the boundary for highway responsibility crosses between the City and the County. Both highway authorities have therefore been consulted for their views on the submitted Transport Statement and proposed site access and layout plans. The Transport Statement has been reviewed in order to ensure that impact of the proposed development on the highway is properly assessed and to determine if appropriate mitigation is capable of being provided. The internal layout of the proposed development has also been reviewed in order to reduce conflict and the risk of vehicles affecting highway safety.
- 7.11 It is noted that the proposal would lead to an increase in turning movements compared to the existing site use and would also increase the numbers of pedestrians attempting to cross the road. Whilst there are pedestrian facilities at Porchester Road and Woodthorpe Road, it is also considered that these are not on desire lines to the site.
- 7.12 The proposed revised access arrangements would provide a right turn lane into the site, which would reduce the northbound lane to 4.5 metres and the southbound lane to a 4 metre formalised single lane. A refuge has also been proposed to facilitate pedestrians crossing Woodborough Road. Accordingly, both highway authorities have advised that they have no objection to the revised access arrangements, subject to their detailed design together with the proposed pedestrian facilities and road marking details. Road safety audits are also intended as part of the S278 agreement that would be required for the highway works.
- 7.13 Highways have also advised that the revised internal layout of the proposed development is now acceptable.

- 7.14 It is considered that the revised access and internal layout of the proposed development accords with Policy T3 subject to conditions requiring the detailed design and implementation of off-site highway works.

iii) Layout and Design (Policies BE1, BE2, BE3, BE5 and S7(b))

- 7.15 The proposed restaurant building would be sited in a similar position to the existing showroom building. It would also be of a similar scale to the existing showroom building, both being single storey.
- 7.16 It is considered that the siting and scale of the proposed building is appropriate to its context, with the relatively open frontage to the site being retained and visible landscape backdrop to the site also benefiting the setting of the building. The proposed provision of additional pockets of landscaping along the frontage of the site is also welcomed.
- 7.17 Whilst the proposed building is to the applicant's common design in grey-white and red insulated cladding panels, it is considered that the provision of full-height glazing to the main restaurant front and front/side elevations will provide an appropriate façade to the street. Other elements, such a funnel shaped element to the roof, will add some further street interest.
- 7.18 It is considered that the proposed layout and design of the building accords with Policies BE1, BE2, BE3, BE5 and would not harm the character or general amenity of the area, in accordance with policy S7(b).

iv) Impact on Residential Amenity (Policies BE3, S7(d & e) and NE9)

- 7.19 Policy S7(e) advises that when considering applications for food and drink uses, consideration should be given to the effect of noise, disturbance, anti-social behaviour, smells and litter on the amenities of occupiers and residents.
- 7.20 The application site does not adjoin residential properties. The nearest dwellings are opposite the site on Woodborough Road. Many of these properties are in mixed residential and business uses and the heavily trafficked nature of Woodborough Road already has an impact on their residential amenity. In this context, it is considered that activity associated with the proposed use would not materially vary this situation.
- 7.21 The residential properties to the rear of the site are at much lower level than the application site (approximately 12m lower) and are also separated from the site by a dense copse of woodland trees and scrub (Woodthorpe Drive Open Space). Whilst it is recognised that the operational nature of the proposed drive through restaurant use would introduce a higher level of activity onto the site than at present, it is not considered that the impact of this change would be so significant on these residential properties to warrant rejection of the application on this basis.
- 7.22 Cooking extract fans and ducts to prevent odour nuisance are proposed to be integrated within the design of the rear portion of the building. Pollution Control have advised that they have no objection to the application, with the further comment that any complaints received will be acted upon.
- 7.23 It is considered that the proposed development would not significantly impact upon the amenity of the surrounding residential properties and does, therefore, accord

with Policies BE3, S7(d & e) and NE9. It is proposed that a planning condition be applied to regulate the hours of operation of the restaurant and drive through from 0700 to 2300 hours, and that a litter strategy is also approved and implemented at all times when the proposed development is in use.

v) Impact on Ecology (Policies NE2 and R1)

- 7.24 The application site is located adjacent to Woodthorpe Drive Open Space (green corridor). The Biodiversity Officer has advised that the open space will not be directly affected by the proposed development and that the development lighting should also not have an impact. In addition to the protection of its ecological benefit, it is also considered that the woodland trees within this open space provide a valuable screen to the site from the neighbouring residential properties to the rear. A boundary fence is also to be maintained to the rear of the site.
- 7.25 The potential for litter to impact upon the quality of the open space and amenity of surrounding residents is noted. As above (7.19), it is proposed that a planning condition requires the submission, approval, and implementation of a litter strategy at all times when the proposed development is in use.
- 7.26 It is considered that the proposed development accords with Policies NE2 and R1.

vi) Health Impacts (NPPF)

- 7.27 While healthy living is clearly affected by a complex range of factors, the National Planning Policy Framework recognises that the planning system can play an important role in facilitating healthy, inclusive communities. This can be achieved in many ways, for instance, promoting safe and accessible environments, providing clear and legible pedestrian routes and supporting uses that benefit the local community. Some types of food take-away and restaurant uses can be deemed to encourage local people to eat unhealthily and therefore it is important to consider the impacts upon vulnerable members of the community, such as secondary school children, through the planning process.
- 7.28 The nearest secondary school in the area is the Nottingham Academy (Ransom Road), which is approximately 0.6 miles away. Beyond that is the Carlton Academy (Conningswath Road) with Gedling Borough, which is approximately 1.5 miles away. While some of the school children attending these schools may travel to/from school via Woodborough Road, and past the application site, most would use alternative routes or travel by bus / car. While the planning system can never prevent school children from visiting this type of hot food use, this site is not in a location that would encourage children to visit during lunch breaks or on their way home from school. It is therefore considered that the proposal doesn't conflict with the government's objective of promoting healthy communities.
- 7.29 **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 (Policy BE4)

- 8.1 The proposed building incorporates solar panels on its roof for hot water. The provision of additional pockets of landscaping are intended to minimise surface water run-off. Cycle parking provision is made around the entrance to the building.
- 8.2 The applicant has also explained that they provide high performance insulation, intelligent refrigeration controls, cooking oil recycling for delivery vehicle bio-diesel, dual-flush cisterns and waterless urinals.
- 8.3 It is considered that the proposed development accords with Policy BE5.

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

Working Nottingham: the development will provide local 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: 13/01653/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01653/PFUL3>
2. Resident, 8 Wickstead Close, 23.7.13
3. Resident, 18 Robinson Road, 23.7.13
4. Resident, 37 Haywood Road, 24.7.13
5. Resident, 30 Haywood Road, 24.7.13
6. Resident, 18 Whittingham Road, 24.7.13
7. Resident, 844 Woodborough Road, 24.7.13
8. Resident, 842 Woodborough Road, 24.7.13
9. Resident, Whittingham Road, 24.7.13
10. Resident, 36 Haywood Road, 24.7.13

11. Resident, 15 Wickstead Close, 24.7.13
12. Resident, 844 Woodborough Road, 25.7.13
13. Resident, 34B Haywood Road, 25.7.13
14. Resident, 23 Haywood Road, 26.7.13
15. Resident, 51 Haywood Road, 26.7.13
16. Resident, 42 Haywood Road, 27.7.13
17. Resident, 42 Haywood Road, 30.7.13
18. Resident, 6 Wickstead Close (petition), 31.7.13
19. Resident, 756 Woodborough Road, 2.8.13
20. Resident, 16 Haywood Road, 4.8.13
21. Resident, 39 Haywood Road, 4.8.13
22. Resident, 932 Woodborough Road, 6.8.13
23. Resident, 44 Haywood Road, 11.8.13
24. Resident, 14 Wickstead Close, 12.8.13
25. Resident, 28 Priory Road, 12.8.13
26. Resident, 12 Belvoir Street, 18.8.13
27. Resident, 2A Whittingham Road, 21.8.13
28. Resident 14 Robinson Road, 22.8.13
29. Resident, 55 Haywood Road, 27.8.13
31. Resident, 9 Sandford Road, 13.9.13
32. Resident, 9 Sandford Road, 16.9.13
33. Resident 5 Robinson Road, 20.9.13
34. Pollution Control, 23.7.13
35. Biodiversity Officer, 29.7.13
36. Gedling Borough Council, 19.8.13
37. Highways, 7.8.13 & 3.10.13
38. Nottinghamshire County Highways, 9.9.13, 20.9.13, & 26.9.13

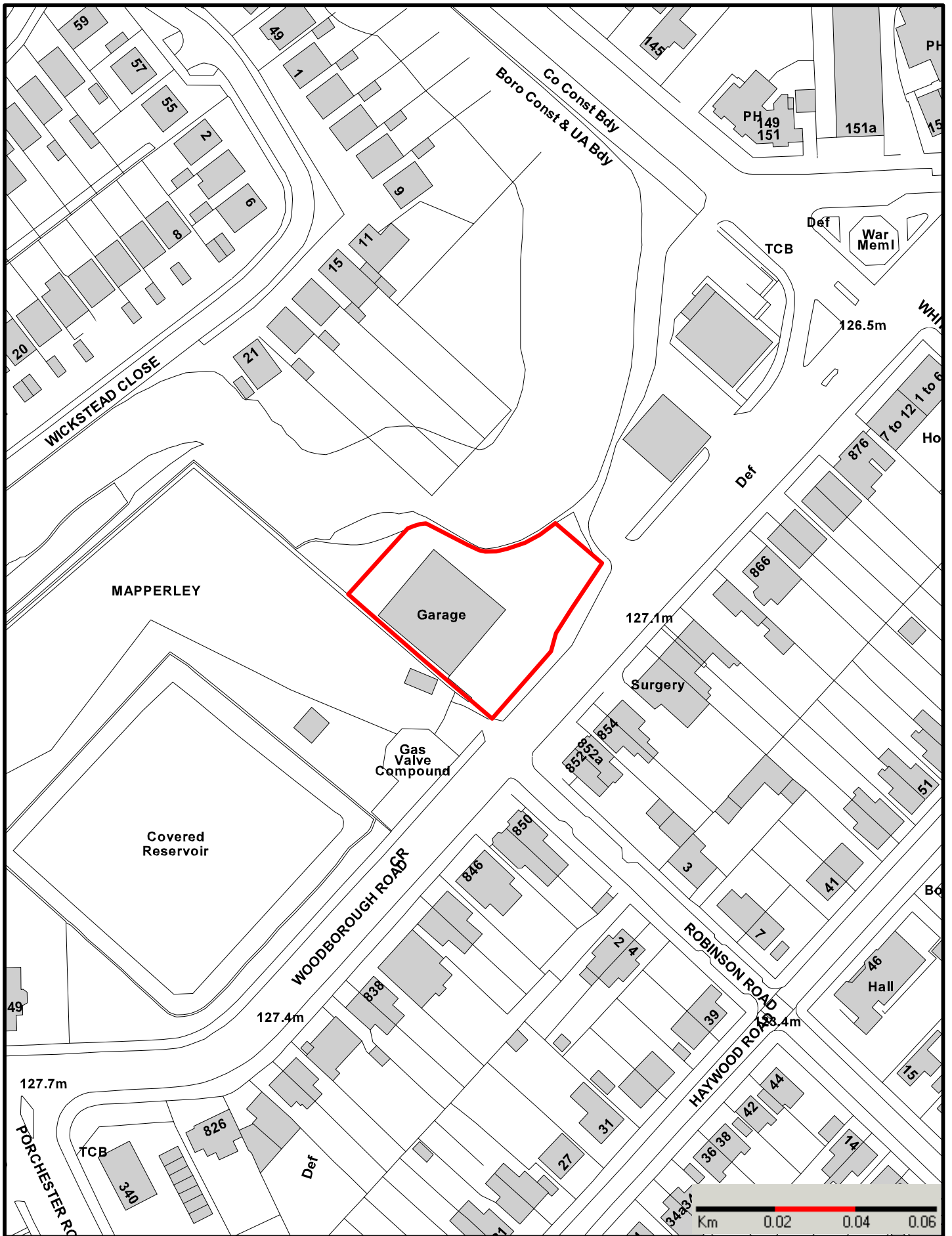
17 Published documents referred to in compiling this report

National Planning Policy Framework
Nottingham Local Plan (November 2005)

Contact Officer:

Mr J. Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 876407



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Nottingham
City Council

My Ref: 13/01653/PFUL3 (PP-02737518)
Your Ref:
Contact: Mr J. Rae
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

SSA Planning Limited
Mr Steve Simms
PO Box 10201
Nottingham
NG9 1FZ

Date of decision:

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

Application No: 13/01653/PFUL3 (PP-02737518)
Application by: KFC (GB) Limited
Location: World of Mowers , 701 Woodborough Road, Nottingham
Proposal: Demolition of existing showroom and workshop and erection of restaurant with drive through facility, car park and amended access.

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. No development shall commence until the detailed design of the off-site highway works included on Drawing NTT/2191/001 Rev.P8, that are required in order to provide appropriate access to the approved development, have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy T3 of the Nottingham Local Plan.

Pre-occupation conditions

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

3. The approved development shall not be brought into first use until the off-site highway works, which are required to be submitted to and approved by the Local Planning Authority under Condition 2 of this consent, have been implemented in accordance with the approved detailed design.

Reason: In the interests of highway safety and in accordance with Policy T3 of the Nottingham Local Plan.

4. The approved development shall not be brought into first use until details of equipment to control the emission of fumes and smell from the premises have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details and shall thereafter be operated, maintained and retained for so long as the use continues.

Reason: In the interests of the amenity of neighbours to the development and in accordance with Policies S7d) and NE9 of the Nottingham Local Plan.

5. The approved development shall not be brought into first use until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE5 of the Nottingham Local Plan.

6. The approved development shall not be brought into first use until a management strategy for dealing with any litter issues that could arise from the operation of the approved use has been submitted to and approved by the Local Planning Authority. The submitted scheme shall have particular regard to the adjacent Woodthorpe Drive Open Space (green corridor). The approved scheme shall be operated at all times when the approved development is in use.

Reason: In order to ensure that the amenity of the area and adjacent Woodthorpe Drive Open Space is not affected and in accordance with Policies NE2 and R1 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

7. The approved restaurant with drive through facility shall not be open to customers outside the hours of 0700 to 2300 on any day of the week.

Reason: In the interests of amenity of nearby residents and in accordance with the aims of Policies S7e) and NE9 of the Nottingham Local Plan

8. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the development whichever is the sooner, and any trees or plants which die, are removed or become seriously damaged or diseased within a period of 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 in accordance with Policy BE5 of the Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference 2166/A002
Drawing reference 2166/A101 revision Rev B
Drawing reference 2166/A121
Drawing reference 2166/PL001 revision Rev A
Drawing reference NTT/2191/001 revision Rev P8
Drawing reference 2116/A102 revision Rev B

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.

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: 13/01653/PFUL3 (PP-02737518)

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.

WARDS AFFECTED: Radford And Park

PLANNING COMMITTEE
23rd October 2013

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Moulders Arms, Bovill Street

1 SUMMARY

Application No: 13/01914/PFUL3 for planning permission

Application by: Mr Harun Holmes

Proposal: Change of use to community centre/evening school (Class D1).

The application is brought to Committee at the request of a Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 10th October 2013

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Director of Planning and Transport.

3 BACKGROUND

The application site is the Moulders Arms PH which is located on the west side of Bovill Street. The use as a public house has recently ceased. The application site comprises a two storey building with a car parking area at the side which has access from Bovill Street. There are residential properties in Manston Mews on the opposite the side of Bovill Street. Denison Court, which comprises houses primarily occupied by students, abuts the site to the north and west and is accessed from Denison Street.

4 DETAILS OF THE PROPOSAL

Planning permission is sought for the change of use to a community centre/evening school (Use Class D1). In a statement submitted with the application the applicant has advised that the principal purpose of the building will be as a community centre which would run from 11am to 10pm at the latest. This element would include a range of uses, including, for example, a Mother and Toddler group, coffee mornings and classes teaching English and IT skills. It is also proposed to operate an evening school which would run on weekdays from 5pm -7pm. It is anticipated that up to 50 children would attend and this would be spread over two sessions starting within 30 minutes of each other. The applicant has advised that the main users of the community centre and evening school would be from Radford, Hyson Green and Lenton.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The proposal has been advertised by means of a site notice and the following nearby occupiers have been notified:

25 – 32 and 38 -60 Manston Mews, 31- 37 Denison Court, Denison Street, 3 –9, Hartley Road.

- 5.2 In response, one email has been received from an occupier of Manston Mews requesting that it be noted that there is only one access and egress to this area; Manston Mews has 60 homes and most residents have cars and parking is already at a maximum. The correspondent is also concerned that further car parking could lead to difficulties for access by the emergency services.
- 5.3 Councillor Steph Williams: Does not object to the principle of the proposed use of the building. However, she does object to a use which based upon evidence from elsewhere, shows that it would generate much more traffic, e.g a similar building on Churchfield Lane, Radford, which still attracts vehicles even though the planning application advised that users would walk there; Bovill Street is a cul de sac which exits onto Hartley Road in close proximity to a busy major junction; vehicles associated with the proposed use would need to turn on Bovill Street and as this road is a well used pedestrian route and close to a children's play park there is an increased risk to pedestrians, particularly children, if there is an increase in traffic; the exit right onto Hartley Road will also be very dangerous, particularly at busy times of the day.

Additional consultation letters sent to:

Pollution Control: No objections.

Highways: No objection. The main highway issue is the level of vehicular activity which could be associated with the proposed use. The potential for conflict between the proposed hours of operation for the after school teaching facility and the greatest demand for car parking from local residents and parking from events held in the building leading to future complaints has been assessed. There would also be a potential concern if a lot of vehicles were exiting Bovill Street at the same time. However, it is concluded, that with the exception of the end of the classes which will fall right at the end of the evening peak or after it, the nature of drop off or the stated use of the Community/Drop In Centre should mean that most vehicle movement times are staggered. Additionally, it could be assumed that half of these vehicles will be turning left and not form as greater conflict as right turners at the junction with Hartley Road. It should be noted that there are no Reported Injury Accidents currently associated with this junction.

Recommend that conditions should be imposed requiring the submission of details of the layout of the car park that the use should only be used as a community centre/evening school and for no other purpose.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Relevant to this application is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Nottingham Local Plan (November 2005):

CE1 - Community Facilities. Complies.

BE2 - Layout and Community Safety. Complies.

BE3 - Building Design. Complies.

T3 - Car, Cycle and Servicing Parking. Complies.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the use
- (ii) Impact upon the amenity of nearby occupiers
- (iii) Traffic and parking considerations

(i) Principle of the use (Policy CE1)

- 7.1 Policy CE1 encourages the provision of community facilities subject to criteria which are considered to be met by this proposal. The site is near to a Local Shopping Centre which is on a good public transport route and is well located in relation to the community it would serve; it is easily and safely accessible by a choice of means of transport, including public transport, cycling and walking. The principle of the re-use of the former public house for a community use is considered to be in accordance with Policy CE1.

(ii) Impact upon the amenity of nearby occupiers (Policy BE3)

- 7.2 The property is within a Primarily Residential Area and there are residential properties opposite the application site. The last use of the building was as a public house, which, by its nature, would have involved customers arriving and departing from the premises during the daytime and into the late evening which would have been likely to have resulted in some noise and disturbance to local residents. The proposed use would similarly involve users of the community centre arriving and departing, but the nature and timing of this would be different.
- 7.3 The applicant has requested that the hours of use of the premises be from 11am - 10pm. These hours are considered to be acceptable in terms of the impact on local residents, particularly as it is anticipated that the main activity associated with the use is likely to occur in the late afternoon and early evening on weekdays. It is recommended that a condition be imposed restricting the hours of opening to those

requested. On the basis of the above it is therefore considered that the proposal accords with Policies CE1 and BE3.

(iii) Traffic and parking considerations (Policies BE2, T3 and CE1)

- 7.4 There is a small car park available at the side of the former public house which could accommodate approximately nine vehicles, which would be available for use by staff and by parents and carers dropping off and picking up their children. However, it is still likely that the proposed use could result in on street car parking at peak times. There are no restrictions on on-street car parking on Bovill Street and it is considered that the level of activity likely to be generated by the proposed use would be such that this would not result in highway safety issues or impact upon car parking for local residents.
- 7.5 The application site is within the area which it is anticipated would be served by the proposed community centre and it is therefore highly accessible on foot or by bike. The site is also close to Alfreton Road which has good public transport links.
- 7.6 It is recommended that a condition be imposed to ensure that the existing car park be laid out with marked spaces to ensure that it can be used to its maximum potential and that vehicles can enter and leave the site in a forward gear. It is also recommended that a condition be imposed which would ensure that the property could not change to a place of worship without requiring a further planning application as this would be likely to generate more activity and associated car parking than the other uses which fall within Use Class D1.
- 7.7 The concern of Councillor Williams about the amount of traffic which would be generated by the proposed use of the building has been considered. As set out in para 7.4 there will be additional vehicular activity on Bovill Street as a result of the proposed use but the overall assessment is that this can be satisfactorily accommodated without detriment to the amenity of the nearby residents or road safety on the street. The comment of the local resident regarding access by emergency vehicles has also been considered. Bovill Street has lay-by parking on the east side which means that if there is street parking on the west side, adjacent to the Moulders Arms, that adequate street width to enable for access by emergency vehicles would remain.
- 7.8 Overall it is considered that the proposal would satisfy Policies BE2, T3 and CE1.

8. SUSTAINABILITY / BIODIVERSITY

The proposal involves the reuse of an existing building in a location which is accessible to the local community.

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

Neighbourhood Nottingham – The proposal would bring a vacant building back into use strengthening community cohesion in neighbourhoods.

Safer Nottingham - The proposal would assist community safety by increasing natural surveillance.

14 CRIME AND DISORDER ACT IMPLICATIONS

The occupation of this currently vacant building would deter vandalism and provide activity on the street which would contribute to community safety.

15 VALUE FOR MONEY

None.

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

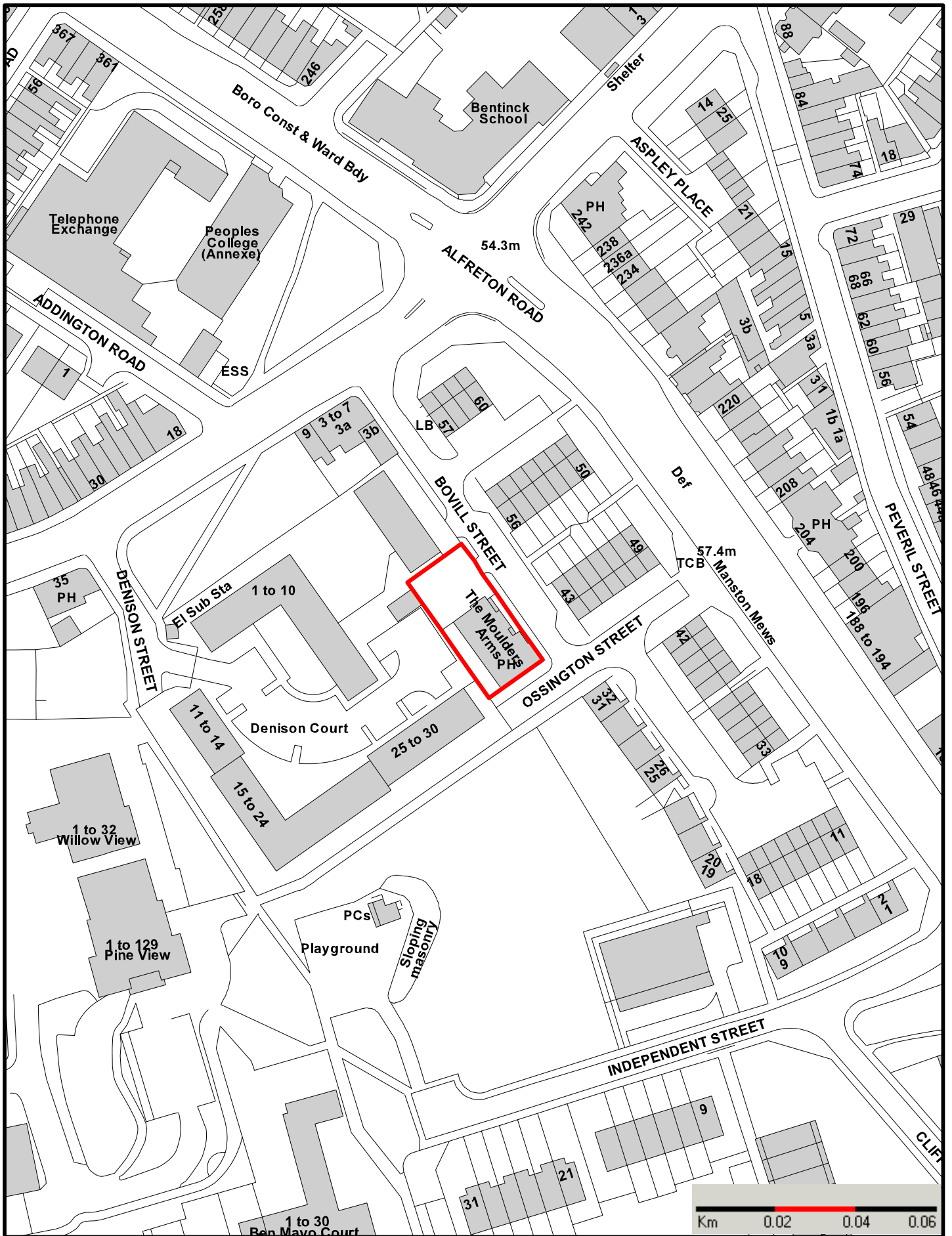
1. Application No: 13/01914/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01914/PFUL3>
Objection dated 25.09.2013 from Councillor Williams
Email dated 27.08.2013 from resident of Manston Mews
Email dated 13.09.2013 from Noise and Pollution Control

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs J.M. Keble, Case Officer, Development Management.
Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056



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Nottingham
City Council

My Ref: 13/01914/PFUL3

Your Ref:

Contact: Mrs J.M. Keble

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
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NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Harun Holmes
52 Roseleigh Avenue
Nottingham
NG3 6FH

Date of decision:

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

Application No: 13/01914/PFUL3
Application by: Mr Harun Holmes
Location: Moulders Arms, Bovill Street, Nottingham
Proposal: Change of use to community centre/evening school (Class D1).

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)

There are no conditions in this section.

Pre-occupation conditions

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

2. The use of the property hereby permitted shall not be commenced until details of a car park layout have been submitted to and approved by the Local Planning Authority and the car park laid out with marked spaces in accordance with the approved details.

Reason: To ensure that the car parking area can be effectively used to reduce the level of on street car parking arising from the use in accordance with Policies BE2 and T3 of the Local Plan.

Regulatory/ongoing conditions

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



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

DRAFT ¹ ONLY
Not for issue

Continued...

3. The premises shall not be used outside the hours of 11am to 10pm on any day of the week.

Reason: To protect the amenities of the occupants of nearby property in accordance with Policy BE3 of the Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any re-enactment thereof, the premises shall not be used other than for purposes defined in Class D1 (except place of worship) of The Town and Country Planning (Use Classes) Order 1987, as amended or any re-enactment thereof.

Reason: To protect the amenities of the occupants of nearby property in accordance with Policy BE3 of the Local Plan.

Standard condition- scope of permission

S1. Except as may be 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 15 August 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. 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.

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: 13/01914/PFUL3

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.

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Nottingham Lawn Tennis Club, Tattershall Drive

1 SUMMARY

Application No: 13/01116/LCAC1 for Conservation Area Consent

Application by: Mr Peter Dion on behalf of The Notts Lawn Tennis Association

Proposal: Demolition of storage building.

The application is brought to Committee at the request of a Ward Councillor who has raised concerns over the proposed demolition.

To meet the Council's Performance Targets this application should have been determined by 1st October 2013

2 RECOMMENDATIONS

GRANT CONSERVATION AREA CONSENT subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Director of Planning and Transport.

3 BACKGROUND

3.1 The application site relates to the Nottingham Lawn Tennis Club Pavilion building located on the east side of Tattershall Drive within the Park Conservation Area. The site is located within the Park Bowl which comprises sports and recreation uses.

3.2 The building has not been used as a tennis pavilion since 1980 and has been latterly used for storage. It is presently vacant and in a dilapidated state. The tennis courts are located to the east of the site and there is residential to the west of the site.

4 DETAILS OF THE PROPOSAL

4.1 Conservation Area Consent is sought to demolish the existing building, the justification being that it is in a dilapidated condition with evidence of wet rot and is becoming a health and safety liability.

4.2 A bat survey accompanied the application.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Publicity was undertaken through the display of a site notice and publication of a press notice. The overall expiry date for consultations was 11th September 2013.

One letter of objection has been received from a local resident raising the following issues:

- The building makes a positive contribution to the Conservation Area and should be retained. It is situated in the 'Park Bowl,' a key feature of the estate mentioned in detail in the Park Conservation Plan (2007) as an area left over for recreational purposes when the remainder of the estate was developed for housing. The 'Bowl' has been used as such for a long time, and has four main structures on it that relate to the sporting use of the land. Two are relatively modern buildings and two are older buildings in character with the appearance of the traditional buildings of the estate. One of these is the larger tennis pavilion to the south west of the site, the application site is the other older building. Albeit more modest, it is worthy of merit.
- The recreational area closest to this building (the bowling green and some of the tennis courts at the site) has been unused for some years, although the site owner is no doubt keen to bring it back into use.
- It is understood that the maintenance liability was part of the former site user's responsibility, but since they moved away a backlog of maintenance has accrued. This makes it understandable that the simplest solution for the site owner is removal. However, the maintenance backlog does not seem severe, and although dilapidation is mentioned, this is contradicted by the accompanying wildlife / bat survey, which mentions that the building is in good condition and *"the building is well sealed and has been well maintained"* (para 4.2 page 10).
- The structure may date before 1939. The applicant indicates the building could date from the 1930s. The Conservation Area plan generally supports the preservation of historic buildings within the Park Conservation Area, and this building is possibly one of the original sporting pavilions associated with the land. Despite alterations to the building over time, the majority of the core of the structure appears to be original, and it may be possible to easily remove these alterations.
- The building is characterful with the main elevations embellished to enhance what is a basic 'pre fabricated structure' in a very interesting way. The brick, timber and corrugated iron building (embellished with mock timber framing) is in keeping with the area, and has visual interest, both on its own, and in its location.
- The building may have wider significance. It is an unusual building type to survive this long as sports pavilion per se. Most buildings clad in corrugated iron from the era that have survived and / or have listed status seem to be places of worship, 'tin tabernacles' essentially, this is rather different.
- The site is relatively secure and the prospect of survival relatively strong.
- If the site continues for recreational purposes (understood to be a Covenant on the land) then the facility of a pavilion or club house for this part of the site would be of use. It would seem that it would be beneficial to spend the funds required for any demolition and or replacement structure on clearing the maintenance backlog and ensuring the site is fit for use. This would have the benefit of helping to preserve a historic building that enhances this part of the Conservation Area.

Additional consultation letters sent to:

Pollution Control: No comments received.

Biodiversity: Recommend the inclusion of conditions requiring the development to incorporate recommendations within the Bat report. Clarification was sought as to whether any works to trees is proposed.

Heritage and Urban Design: No objections to proposal. It is felt that the application would not conflict with the provisions of paragraphs 133, 134 and 138 of the NPPF.

Councillor Steph Williams objects to the proposal on the following grounds:

- It is a historic building and likely to be the original tennis pavilion for the original tennis courts and bowls.
- As most of the surviving tin buildings from the Victorian/Edwardian era which are listed are mainly religious buildings, it is requested that English Heritage are consulted on the historic value of a tin sports pavilion from this era and on its condition. It is possible that this is very rare building.
- The Conservation Area plan for The Park supports the preservation of historic buildings. The building is in-keeping with the area as it is Victorian.
- The application does not provide evidence regarding the state of the building.

6 **RELEVANT POLICIES AND GUIDANCE**

National Planning Policy Framework (NPPF): Paragraph 133 advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 of the (NPPF) explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 138 of the (NPPF) sets out that the loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation as a whole.

Nottingham Local Plan (November 2005):

BE13 - Demolition in Conservation Areas. Complies.

NE3 – Conservation of Species. Complies.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issue

(i) Impact upon the character and appearance of The Park Conservation Area

Issue (i) Impact upon the character and appearance of The Park Conservation Area (Policies BE13 and NPPF)

- 7.1 Policy BE13 seeks to ensure that proposals involving demolition of unlisted buildings which make a positive contribution to the special character of the conservation area will only be granted in exceptional circumstances. Such proposals are considered against criteria covering the condition of the building, the adequacy of efforts made to retain the building in use, and the merits of alternative proposals.
- 7.2 In assessing the proposal against policy BE13 and the NPPF it is the case that this early 20th century pavilion is considered to have a neutral impact upon the character of the conservation area. The applicants advise that the pavilion was by the Viyella Hosiery Company when they were located on Castle Boulevard. The building is relatively cheaply constructed from lightweight materials such as softwood timber, corrugated metal sheeting and asbestos roof tiles. The building has been significantly altered with a poorly constructed extension built to the front.
- 7.3 The original design is quaint but unremarkable and has been detrimentally affected by the enclosure of the once open veranda. The building makes no real contribution to the Tattershall Drive street scene given its orientation facing onto the tennis courts and it is not identified in the Park Conservation Plan as having any particular architectural or historic significance.
- 7.4 The building is now in a poor state of repair, has been redundant for over 30 years and is becoming a Health and Safety concern. Its demolition is not considered to result in substantial harm to the special character of the Conservation Area. A condition is recommended requiring details of replacement surfacing. It is not considered that the application would conflict with the provisions of paragraphs 133, 134 and 138 of the NPPF or policy BE13.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 Conditions relating to the bat report will be included. The agents have confirmed that no trees would be affected as part of the proposal. The proposal would therefore comply with policy NE3.

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

None.

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: 13/01116/LCAC1 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01116/LCAC1>
2. Email from Councillor Williams dated 25/09/13
3. Email from local resident dated 30/09/13
4. Memo received from Biodiversity Team dated 04/09/13

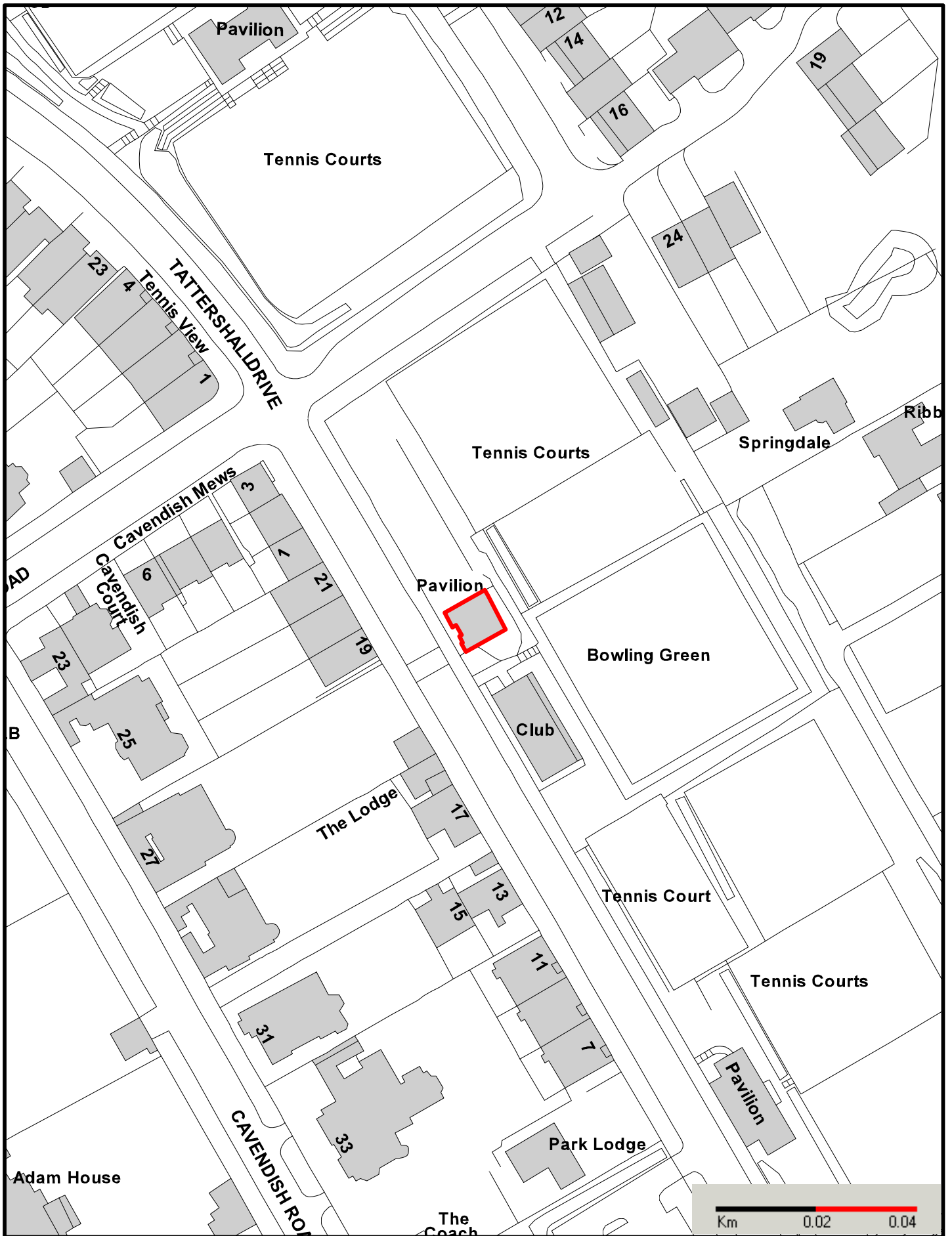
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs N Tyrrell, Case Officer, Development Management.

Email: nicola.tyrrell@nottinghamcity.gov.uk. Telephone: 0115 8764082



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Nottingham
City Council

My Ref: 13/01116/LCAC1

Your Ref:

Contact: Mrs N Tyrrell

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**Nottingham
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Mr Peter Dion
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NG12 2AZ

Date of decision:

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
APPLICATION FOR CONSERVATION AREA CONSENT**

Application No: 13/01116/LCAC1
Application by: The Notts Lawn Tennis Association
Location: Nottingham Lawn Tennis Club, Tattershall Drive, Nottingham
Proposal: Demolition of storage building.

Nottingham City Council as Local Planning Authority hereby **GRANTS CONSERVATION AREA CONSENT** 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 demolition authorised by this consent shall not be carried out until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) Details have been provided for making good the site, in particular the proposed surface treatment.

The works shall be carried out in accordance with the approved detail.

Reason: To ensure the appearance of the development is in keeping with the character and appearance of the conservation area in accordance with Policy BE12 of the Local Plan.

Other conditions

(Conditions relating to other regulatory matters)



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DRAFT ONLY
Not for issue

Continued...

3. The works shall be carried out in accordance with the recommendations of the Clear Environmental Consultants LTD 'Building Assessment for Bats and Birds" (July 2013), in particular those set out at in section 5.

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the works 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 6 August 2013.

Reason: To determine the scope of this permission.

Informatives

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: 13/01116/LCAC1

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of consent for the proposed works, 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.

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Clifton Hall, Holgate

1 SUMMARY

Application No: 13/00958/PVAR3
Application by: Ben Hunt Planning Ltd on behalf of Mr Suresh Patel
Proposal: Variation of condition 18 of planning permission reference 05/01759/PVAR3 to allow the retention of a hedge planted alongside Clifton Hall Drive

The application is brought to Planning Committee because the application is considered to be sensitive given the level of public interest. This item was originally on the agenda for the August Planning Committee but was withdrawn from this agenda when it became apparent that the applicant had not served notice correctly on all landowners within the application site. All notices have now been served and an amended certificate submitted. There have been no other amendments to the application.

To meet the Council's Performance Targets this application should have been determined by 17 June 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

(a) the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions of the planning permission be delegated to the Director of Planning and Transport.

3 BACKGROUND

Site

3.1 The application site is set within the grounds of Clifton Hall, a grade I listed building dating from the late 16th century. The Hall is used for residential purposes and has been sub-divided to form two dwellings. The site also forms part of a wider historic park and garden designation (grade II listed in 2004) and is within the Clifton Village Conservation Area. To the east is St Mary's Church, which is also a grade I listed building and there is a row of residential properties to the south east situated on a higher level than the Hall and its gardens.

Planning History

3.2 In 2005 planning permission (02/00634/PFUL3) and listed building consent (02/00637/LLIS1) was granted to convert Clifton Hall into two dwellings. The planning permission also included 14 new dwellings to the south east of the Hall, replacing an annexe. Amongst the conditions imposed on the planning permission was a restriction on permitted development rights which removed the ability for

buildings, car ports, structures, walls, fences, gates and hedges to be erected or planted without planning permission.

- 3.3 In 2006 permission (05/01759/PVAR3) was granted to vary a condition on the 2005 planning permission relating to phasing of demolition. A new planning permission was issued including the restriction on permitted development rights. The condition in full states:

“Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to ‘permitted development’, no ancillary buildings, garages, car ports, structures, walls, fences, hedges or gates shall be erected placed or planted in the grounds; without the prior express permission of the City Council.”

The reason for imposing the condition was to ensure that the appearance of the development is satisfactory and to safeguard the setting of the listed building.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission for the variation of condition 18 of planning permission 05/01759/PVAR3 to permit the retention of a hedge. The hedging is planted adjacent to the south east boundary of Clifton Hall and spans a distance of approx 45m, comprising a line of 37 conifer (Thuja) plants. In between the conifers and Clifton Hall Drive are a laurel hedge and a black rail fence.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by a site notice and press advert. In addition the following neighbours have been directly consulted:

1-29 Clifton Hall Drive (Odd numbers only)

- 5.2 There have been seventeen objections to the application from local residents and visitors to the area. The reasons for objection include that the proposal will have an adverse impact on the setting of the listed building (particularly obscuring the south elevation); be detrimental to the character and appearance of the conservation area; is not compliant with either the Clifton Hall Planning Brief (2000) or the Clifton Village Conservation Area Policy Document (1997); is out of keeping with the landscape character of the area; is detrimental to residential amenity through loss of outlook light etc; the security justification is flawed as there are other more serious security issues on the site; there are other ways to safeguard the privacy of the owners/occupiers of the Hall, the hedge will impact on the road surface and, if permitted it will set a precedent. In addition since the publication of the previous committee report, a number of objectors have expressed concern that too much emphasis is being placed on what they consider to be perceived reason for imposing the condition; namely that the condition was imposed to restrict sub-division of the garden. This is considered in the appraisal section of this report.
- 5.3 The Clifton Village Residents Association object, primarily on the grounds that the hedge has been planted in contravention to the planning condition imposed and if approved, would set an undesirable precedent.

- 5.4 Clifton Hall Management Company Ltd object to the application on the grounds that it is an inappropriate addition to the conservation area. In addition the Management Company advise that the land on which the hedge relates does not belong to the applicant and gives a detailed breakdown of the ownership situation through the provision of title plans.
- 5.5 Three letters of support have been received including representation from the Police. The Police Safer Neighbourhood Team Manager for the Clifton estate comments that the hedgerow has had a significant impact in reducing the amount of trespassers on the Clifton Hall grounds and the level of anti-social behaviour. The other letters of support comment that the hedgerow has no impact on the key views of the Hall such as from across the river and from the church and that the impact is acceptable providing that the hedgerow is maintained at a reasonable height.
- 5.6 Two additional letters have been received making the observations that conifers are part of the historical character of Clifton Hall having first been introduced in the 1800s and that views of the Hall are not affected by the planting of the hedge.

Additional consultation letters sent to:

- 5.7 **Heritage and Urban Design:** The proposal is not considered to harm the setting of the Listed Building or the Registered Park/Garden and recommends that the application is approved with the imposition of a suitable height restriction. They comment that the hedge is not considered to have a detrimental impact on the setting of the Hall which, to a degree, has already been compromised by the enabling development on Clifton Hall Drive. They advise that the condition on the original planning application was intended to prevent the carving up of the formal grounds into separate 'gardens' by the different occupiers of the Hall. In this instance however the conifers continue an established hedge line which currently runs along the Hall's frontage and have not brought about any further subdivision of the remaining historic grounds, the layout of which can still be appreciated.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 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, the policies from which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraphs 128-132 advise that development proposals should describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Nottingham Local Plan (November 2005):

BE10 - Development Around Listed Buildings. Seeks to resist development that would be harmful to the character, appearance or setting of a listed building.

BE12 - Development in Conservation Areas. Seeks to preserve or enhance the character and/or appearance of conservation areas.

BE14 - Historic Parks and Gardens. Safeguards the character, setting and appearance of the Nottingham Castle Grounds, and registered Parks and Gardens of Special Historic Interest.

Clifton Village Conservation Area Policy Document (1997)

Clifton Hall Planning Brief (2000)

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

(i) Impact of the proposal on the setting of the listed building, historic gardens and conservation area. (Paragraphs 128-132 of the NPPF, Policies, BE10, BE12 and BE14 of the Local Plan, the Clifton Village Conservation Area Policy Document and the Clifton Hall Planning Brief)

- 7.1 In normal circumstances the planting of a hedge would not be considered development. However, the condition restricts this, in the interests of preserving the setting of the listed building, and therefore it is justifiable to consider the merits of this particular proposal.
- 7.2 It is considered that the hedge, which is planted to the south/south east of Clifton Hall, will restrict views of the Hall and the gardens from parts of Clifton Hall Drive, but this will be very limited. Clifton Hall is highly visible, due to its elevated position, when viewing from across the River Trent from the north and this highly important view remains entirely unaffected. The approach to the Hall from the east is similarly unaffected and the form and structure of the gardens, including the terraced areas to the south are not interrupted. It is also pertinent that the condition was likely to have been imposed to ensure that the garden areas were not sub-divided by boundary treatments, including hedges, to ensure that the character is not eroded and the intention therefore was not necessarily to restrict planting on the periphery of the site. It is however accepted that the reason for imposing the condition does not specifically refer to this, which is understandable given that the condition is quite broad in its restrictions. To be clear therefore, the considerations of the application have not been narrowed to this particular issue and a wider assessment of any impact on the setting of the listed building and the appearance of the development is required. The Yew trees to the south of the site are substantial and provide a significant element of natural enclosure. Whilst the proposal is for a different species, it is an extension of this form of enclosure. It is noted that there is significant level of concern regarding the hedge planted in this location but the principle of such planting, which in part obscures the view of the Hall and the gardens from the south/south east is not considered to cause any harm to the setting of the listed building or the registered gardens.

7.3 The justification for planting the hedge by the applicant is to mitigate privacy and security concerns. The impact of the Clifton Hall Drive development on the privacy of residents of Clifton Hall would have been a material consideration in the determination of the original application. Nevertheless from viewing on site, the presence of the terraced row of three storey properties does give rise to overlooking of the gardens and to lesser extent the south elevation of the building. The requirements for increased privacy are recognised as being desirable. It is noted that some objectors are critical of this justification for the hedge and advise that this could be achieved in other ways. Again, this is not material to the determination of this application. However given the reason for the imposition of the condition as set out above, these are not matters that can be afforded weight in this instance.

7.4 The type of hedge planted is not native and this features prominently in the objections received from local residents. The supporting statement points to other examples of the *Thuja plicata* being situated in grounds of other heritage assets in the East Midlands and it is noted that there is a mature specimen within the grounds of St Mary's Church. Whilst the species might not be to everyone's taste, it is considered that this choice presents no harm to the setting of either Clifton Hall or the registered gardens. It is considered that having regard to Para 128-132 of the NPPF, Policies BE10, BE12 and BE14 of the Local Plan and having reviewed both the Clifton Hall Planning Brief (2000) and the Clifton Village Conservation Area Policy Document (1997), the impact of the hedge on the listed building, registered gardens and by association the wider conservation area is acceptable.

Other Issues

7.5 The reason for imposing the condition is clearly related to the impact on the setting of the listed building. The impact on amenity has been raised in the objections but as mentioned elsewhere, this is not felt to be a consideration that warrants weight in this case. The loss of a view is similarly not a material planning consideration and the impact on the road surface is not considered to be a concern. The issue of precedent is noted but each decision should be taken on its merits and is not a reason to withhold permission. Finally, it has been considered whether the height of the hedge should be conditioned. On balance it is not deemed necessary in the context of the setting of the listed building and registered gardens and it is difficult to argue that imposing a restriction would be other than an arbitrary figure, and would represent a restriction on a comparatively small section of the curtilage of the listed building, against the backdrop that other areas of existing vegetation would not be restricted. Such a condition would also be extremely difficult to enforce.

8. SUSTAINABILITY / BIODIVERSITY

None.

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

None.

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: 13/00958/PVAR3

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F00958&action=Search>

2. Comments from Conservation Officer dated 12 June 2013

3. Comments from the Police undated, received 24 July 2013

4. Comments from Clifton Village Residents Association dated 10 June 2013

5. Comments from local residents/interested parties (x34) dated between 24 May and 11 October 2013.

17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005).

2. National Planning Policy Framework.

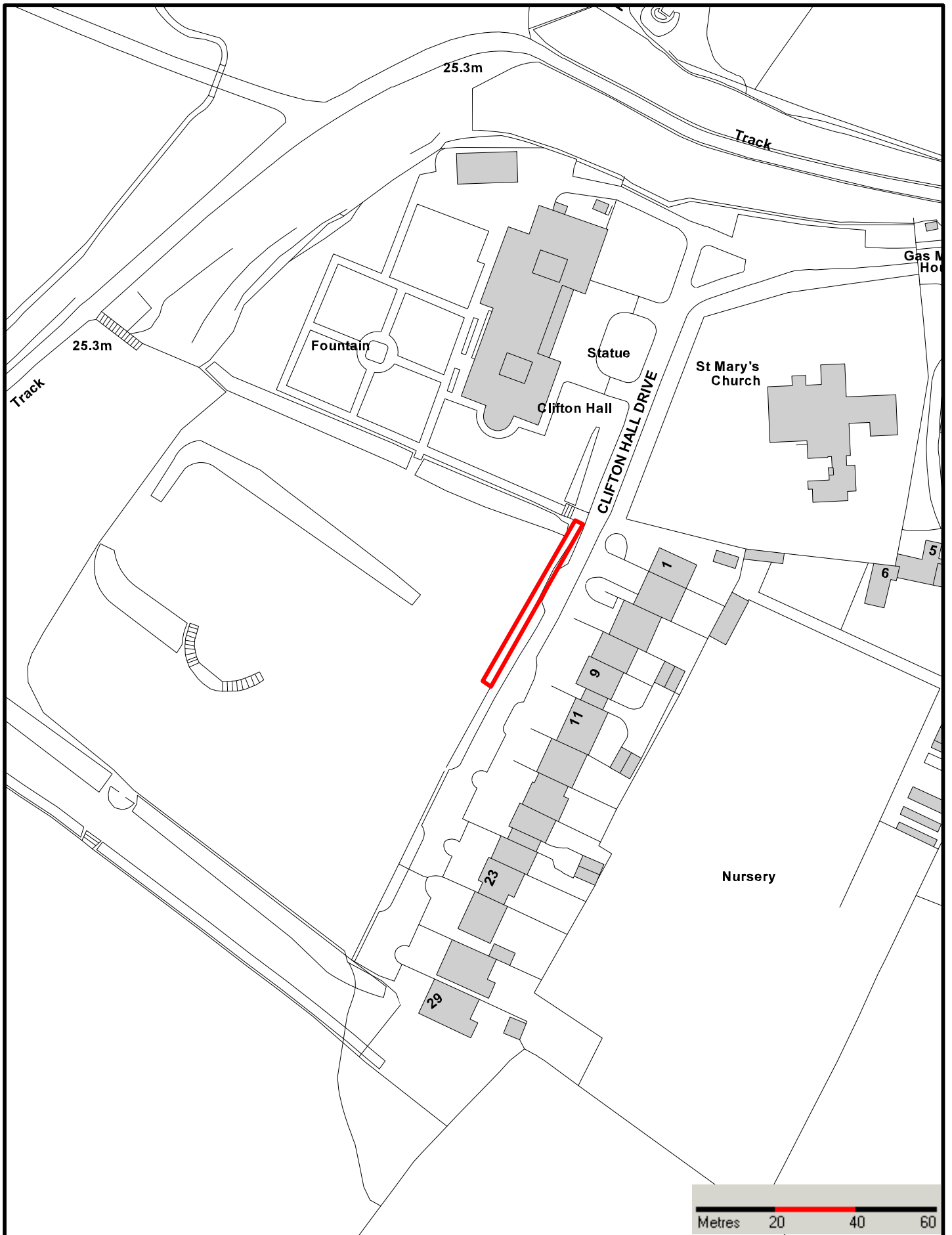
3. Clifton Village Conservation Area Policy Document (1997)

4. Clifton Hall Planning Brief (2000)

Contact Officer:

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13/00958/PVAR3
Clifton Hall, Holgate



Nottingham
City Council

My Ref: 13/00958/PVAR3 (PP-02245344)
Your Ref:
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Ben Hunt Planning Ltd
Mr Ben Hunt
Lace Market House
54 - 56 High Pavement
Nottingham
NG1 1HW

Date of decision:

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

Application No: 13/00958/PVAR3 (PP-02245344)
Application by: Mr Suresh Patel
Location: Clifton Hall , Holgate, Nottingham
Proposal: Conversion of hall to 2 residential dwellings. Erection of 14 residential dwellings to replace annexe to south-east of Hall. (Variation of condition 18 of planning permission reference 05/01759/PVAR3 to allow the retention of a hedge planted alongside Clifton Hall Drive.)

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
There are no conditions in this section.
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.
Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)

1. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to "permitted development", the dwellings shall not be enlarged nor shall a garage/car port or porch be erected without the prior express permission of the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and to safeguard the setting of the listed building the registered gardens in accordance with the aims of Policies BE10 and BE14 of the Local Plan .

2. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no ancillary buildings, garages, car ports, structures, walls, fences, hedges or gates, other than that permitted by planning permission reference 13/00958/PVAR3, shall be erected placed or planted in the grounds; without the prior express permission of the Local Planning Authority.

Standard condition- scope of permission

- S1. 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 22 April 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.

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: 13/00958/PVAR3 (PP-02245344)

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.

PLANNING COMMITTEE
23 OCTOBER 2013

Title of paper:	Land and Planning Policies Development Plan Document – Preferred Option Consultation	
Director(s)/ Corporate Director(s):	Sue Flack – Director for Planning and Transport David Bishop – Corporate Director of Development	Wards affected: City Wide
Report author(s) and contact details:	Matt Gregory Ph: 0115 876 3981 matt.gregory@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Sarah Watson Ph: 0115 8763974 sarah.watson@nottinghamcity.gov.uk	
Relevant Council Plan Strategic Priority:		
World Class Nottingham		
Work in Nottingham		x
Safer Nottingham		x
Neighbourhood Nottingham		x
Family Nottingham		
Healthy Nottingham		x
Leading Nottingham		
Summary of issues (including benefits to citizens/service users):		
The Land and Planning Policies Development Plan Document (Local Plan Part 2) is currently undergoing consultation. This consultation runs until 2 December 2013 . This consultation follows on from the Issues and Options consultation, which took place in 2011.		
Recommendation(s):		
1	That the committee notes the ongoing consultation and opportunity to respond before 2 December 2013.	

1. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 1.1 Once adopted, the Land and Planning Policies Development Plan Document (DPD) (Local Plan Part 2) will form part of the statutory planning framework, alongside the Core Strategy. Before a DPD is adopted, it must go through several stages of formal and informal consultation. To date, the LAPP DPD has been through two informal stages of consultation – the Issues and Options consultation stage, from 26 September to 21 November 2011, and the Additional Sites consultation stage, from 5 March to 30 April 2012. The Preferred Option represents the third stage of informal consultation. All the documents can be viewed online at www.nottinghamcity.gov.uk/localplan.
- 1.2 Whilst the previous consultations asked questions and posed options regarding future planning policies and site allocations in Nottingham, the Preferred Option sets out the

draft development management policies and site allocations. These policies and site allocations are presented in draft and do not carry any weight in planning terms, as they are for consultation purposes only. Following this stage, the document will be formally published and will undergo independent examination. If found sound, the document will be adopted and, alongside the Core Strategy, will replace the current Local Plan (2005).

1.3 The following policy areas are set out in the Preferred Option:

- Climate Change
- Employment Provision and Economic Development
- Nottingham City Centre
- Role of Town and Local Centres
- Housing Size, Mix and Choice
- Design and Enhancing Local Identity
- The Historic Environment
- Local Services and Healthy Lifestyles
- Culture, Tourism and Sport
- Managing Travel Demand
- Transport Infrastructure Priorities
- Green Infrastructure, Parks and Open Space
- Biodiversity
- Minerals
- Pollution Control
- Developer Contributions

1.4 There are 56 draft policies in the Preferred Option, divided into four different themes. Some policies have been carried forward from the last Local Plan but there are also new policy areas, Policies cover the following areas:

- Retail
- Housing
- Employment
- Regeneration quarters
- Houses in Multiple Occupation
- Student Accommodation
- Open Space

1.5 There are 78 draft Land Allocations (LAs). Each of these sites underwent consultation at the Issues and Options / Additional Sites stage. Some of the sites which were included in the earlier consultation were not taken forward to the Preferred Option. These sites are as follows:

Site Reference	Site Name	Location
DS01	Belgrave Road / Linnington Road	Seller's Wood Drive
DS03	Bestwood Sidings	Hucknall Lane
DS09	Bar Lane Industrial Park	Bar Lane
DS11	Basford Gateway	Southwark Street
DS110	NCC depot	Harvey Road
DS12	Church View Industrial Estate	Church Street

Site Reference	Site Name	Location
DS15	Western Section of Former Dunn Line Coach Station	Bulwell Lane
DS25	Nottingham Business Park South - Developer Option	Land Off Woodhouse Way
DS32	Ellis and Everard, Hadyn Road	Hadyn Road
DS39	Springfield, Alexandra Park	Woodborough Road
DS43	Eastside - Pennyfoot Street	Manvers Street
DS44	Waterside - British Waterways Owned Part of Freeth Street Site	Lady Bay Bridge
DS54	Radford Bridge Allotments (Option 1)	Torvill Drive
DS55	Radford Bridge Allotments (Option 2)	Russell Drive
DS58	Canal Street North	East of Broadmarsh Site
DS66	Southside - Site of Former Hicking Pentecost & Company	Crocus Street
DS70	Waterside - British Waterways Owned Part of Meadow Lane Site	Meadow Lane
DS77	Bull Close Road	Bull Close Road
DS81	Farnborough School	Farnborough Road
DS87	Broxtowe Country Park	Broxtowe Country Park
DS88	New Aspley Gardens (Option 1) - to include the western part of the site only.	Western Boulevard
DS89	New Aspley Gardens (Option 2) - to include both parts of the site, east and west.	Western Boulevard
DS96	Expansion to Jubilee Campus	Wollaton Road
DS98	Electric Avenue - Option 2	Electric Avenue
DS99	NG2 South (Alternative Uses)	Experian Way

- 1.6 A further 7 sites have been identified for consultation. These are not being put forward as Preferred Options at this stage.
- 1.7 The Preferred Option also contains information that will eventually be used to create the Policies Map that will accompany the adopted version of the LAPP. This information comprises maps showing new or amended designations (e.g. the Castle and Creative Quarters, Retail Centres, Green Belt Revisions and Minerals Safeguarding Areas). It should be noted that only information which differs from that shown on the current adopted Proposals Map (which accompanies the current adopted Local Plan (2005)) is presented for consultation.

CONSULTATION

- 1.8 780 individual people and organisations responded to the Issues and Options consultation and there were approximately 1,700 individual responses. A further 106 people and organisations responded to the additional sites and there were 198 individual responses.
- 1.9 A Report of Consultation has been produced setting out the measures undertaken at the Issues and Options and the Additional Sites consultations. This will be published alongside the Preferred Option.

SUSTAINABILITY APPRAISAL

- 1.10 Under the requirements of the Planning and Compulsory Purchase Act (2004), a Sustainability Appraisal (SA) (which incorporates the EU requirement for Strategic Environmental Assessment) has been produced. The Sustainability Framework (embedded within the SA) has been developed alongside the production of the Core Strategy. It has 14 objectives relating to economic, social and environmental issues in Nottingham. As the document is draft and non-Statutory, the SA that has been produced is an Interim Report, which first assesses the potential impacts of the options, including the 'do nothing' scenario, and then assesses the potential impacts of the draft policies. The SA also assesses the potential impacts of the site allocations.
- 1.11 The Interim Sustainability Appraisal Report will also be published for consultation alongside the Preferred Option.

OTHER BACKGROUND ASSESSMENTS

- 1.12 In addition to assessing the consultation responses and undertaking a Sustainability Appraisal, a number of other background assessments have been undertaken to inform the Preferred Option. Each of the sites put forward in the Issues and Options and Additional Sites consultations has undergone a detailed assessment. The assessment involved collecting information for each site regarding planning history, land use, constraints, transport and accessibility, wider regeneration benefits, infrastructure and energy and heat networks and previous work, including Development Briefs. Site visits were also undertaken for each site.
- 1.13 Five Background Papers were also produced to inform the policies contained within the document. These are titled as follows:
- Climate Change
 - Sustainable, Inclusive and Mixed Communities
 - City Centre and Retail
 - Employment
 - Parking

NEXT STEPS

- 1.14 Following consultation on the Preferred Option, the next stage in the preparation of the LAPP DPD is the production of the 'Publication' version. This version will form the first statutory consultation stage. This is the point at which the policies begin to gain weight. At this stage in the process, comments can only be made regarding the 'Soundness' and 'Legal Compliance' of the document. After formally consulting on the document, the LAPP be submitted to the Secretary of State for independent examination by an Inspector.
- 1.15 It is anticipated that the document will be adopted in autumn 2015.

2. REASONS FOR RECOMMENDATIONS

2.1 Production of a Local Plan is a Statutory requirement.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 There are no alternative options as the production of a Local Plan is a statutory requirement.

4. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

4.1 The preparation and consultation of the Land and Planning Policies Development Plan Document is part of the statutory planning process. The costs of this activity will be met from existing resources earmarked for this purpose.

5. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

5.1 As indicated above, the formulation and adoption of Local Plan Documents have to follow a formal statutory process. Whilst not all of these functions are the responsibility of the Executive, the initial formulation and preparation of documents such as the LAPP is within the Executive's remit. Executive Board approved the document for consultation at its meeting held on 17 September 2013. The risk of challenge at this stage is therefore small, particularly as no weight can be attributed to its content at this time.

6. EQUALITY IMPACT ASSESSMENT

6.1 Has the equality impact been assessed?

Not needed (report does not contain proposals or financial decisions)

No x

Yes – Equality Impact Assessment attached

7. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

7.1 The Land and Planning Policies (LAPP) Development Plan Document (DPD) Interim Sustainability Appraisal Report September 2013

7.2 The Land and Planning Policies (LAPP) Development Plan Document (DPD) Consultation Statement September 2013

7.3 The Land and Planning Policies (LAPP) Development Plan Document (DPD) Sustainability Appraisal Scoping Report Update September 2013

7.4 Climate Change Background Paper September 2013

7.5 Retail Background Paper September 2013

7.6 Car Parking Background Paper September 2013

7.7 Sustainable, Inclusive and Mixed Communities Background Paper September 2013

7.8 Employment Background Paper September 2013

7.9 Site Assessments September 2013

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

8.1 The Land and Planning Policies (LAPP) Development Plan Document (DPD) Issues and Options September 2011

8.2 The Land and Planning Policies (LAPP) Development Plan Document (DPD) Additional Sites put forward through the Issues and Options Consultation March 2012

8.3 The Nottingham Local Plan (2005).