



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 22 January 2014

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham,
NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Deputy Chief Executive/Corporate Director for Resources

Constitutional Services Officer: Martin Parker Direct Dial: 01158764303

AGENDA

Pages

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTERESTS

3 MINUTES

Last meeting held on 18 December 2013 (for confirmation)

3 - 16

**4 PLANNING APPLICATIONS - REPORTS OF HEAD OF
DEVELOPMENT MANAGEMENT AND REGENERATION**

**a VICTORIA CENTRE COMPLEX, VICTORIA CENTRE, MILTON
STREET**

External alterations to the Lower Parliament Street / Milton Street
entrance of intu Victoria Centre

17 - 26

**b 2-20 (EVENS) ROBIN HOOD CHASE, THE CHASE PUBLIC HOUSE
AND FORMER ST ANN'S HEALTH CENTRE, ST ANN'S WELL ROAD**

Construction of 45 apartments, three retail units (2 Class A1 use, 1

	Class A1/Class A2 use) and public square	27 - 50
c	THE WELLS ROAD CENTRE, THE WELLS ROAD	
	Installation of new 4.2m high security fencing and gate. New site access	51 - 60
d	SITE WEST OF 206 CINDERHILL ROAD, OCCUPATION ROAD	
	Erection of 99 bed residential care accommodation and day nursery (outline planning permission)	61 - 78
e	FORMER INDUSTRIAL SITE TO WEST OF CAR PARK, OAK STREET, CARRINGTON	
	Demolition of existing buildings and erection of five new dwellings	79 - 90
5	CANAL CONSERVATION AREA - PROPOSED EXTENSION OF DESIGNATION AREA	
	Report of Head of Development Management and Regeneration	To follow

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

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Loxley House on 18 DECEMBER 2013 from 2.30 pm to 5.00 pm

- ✓ Councillor Chris Gibson (Chair)
- ✓ Councillor Gul Khan (Vice-Chair)
- ✓ Councillor Liaqat Ali (minutes 64 to 70)
- Councillor Cat Arnold
- ✓ Councillor Graham Chapman
- ✓ Councillor Azad Choudhry
- ✓ Councillor Alan Clark
- ✓ Councillor Emma Dewinton (minutes 68 to 72)
- ✓ Councillor Michael Edwards
- ✓ Councillor Ginny Klein
- ✓ Councillor Sally Longford
- ✓ Councillor Ian Malcolm (minutes 64 to 67 and 69 to 72)
- ✓ Councillor Eileen Morley
- ✓ Councillor Roger Steel
- ✓ Councillor Malcolm Wood (minutes 64 to 70)

indicates present at meeting

Colleagues, partners and others in attendance

- | | | | | |
|---------------|---|---|---|-------------|
| Paul Seddon | - | Head of Development Management and Regeneration |) | |
| Rob Percival | - | Area Planning Manager |) | |
| Nic Thomas | - | Area Planning Manager |) | Development |
| Nigel Turpin | - | Design and Conservation Manager |) | |
| Caroline Nash | - | Highways Division |) | |
| Lisa Guest | - | Traffic and Safety |) | |
| Richard Bines | - | Solicitor |) | Resources |
| Martin Parker | - | Constitutional Services Officer |) | |

64 NIC THOMAS

RESOLVED to record the Committee's appreciation of Nic Thomas' work on behalf the Authority and offer him its best wishes for his future career.

65 APOLOGIES FOR ABSENCE

Councillor Cat Arnold

66 DECLARATIONS OF INTERESTS

The following declarations of interests were made:

(a) **Agenda Item 4 (a)-Planning Application Nottingham Trent University, Clifton Campus (minute 68)**

Councillor Ian Malcolm: his residence shares a common boundary with part of the application site. In light of the nature of the interest (prejudicial) Councillor Malcolm withdrew from the meeting room during determination of the application.

Councillor Chris Gibson: a personal interest as a trustee of the East Midlands Museum Service (EMMS) organisation, which rents office-space within the development. The interest is not financial Councillor Gibson considered that such an interest would not prevent him from keeping an open mind when determining the application.

(b) **Agenda Item 4 (d)-Planning Application Unit 2, the Picture Works, 42 Queens Road (Minute 72)**

Councillor Liaqat Ali: as the holder of a taxi licence badge and as an employee of another taxi firm. The interest is prejudicial and Councillor Ali withdrew from the meeting room during determination of the application.

Councillor Malcolm Wood: as a City Council appointed Director of Nottingham Racecourse Ltd, which has a sponsorship agreement with the applicant company. The interest is prejudicial and Councillor Wood withdrew from the meeting room during determination of the application.

Councillor Chris Gibson: as a City Council appointed Director on the NET consortium, which has a terminus in close proximity to the application site. Councillor Gibson considered that such an interest would not prevent him from keeping an open mind when determining the application.

General lobbying: several Councillors on the Committee reported telephone calls, visits and correspondence from interested parties who were either in favour of, or objecting to, the application. All Councillors were satisfied that the exchanges were informative in nature and did not affect their ability to retain an open mind when determining the application.

67 MINUTES

The Committee confirmed the minutes of the meeting held on 20 November 2013 as a correct record and they were signed by the Chair.

68 NOTTINGHAM TRENT UNIVERSITY CLIFTON CAMPUS

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/02420/PFUL3 submitted by Evans Vettori on behalf of Nottingham Trent University Estates, for planning permission to erect a new "Heart of the Campus" multi-functional, pavilion style, education building following demolition of part of the existing George Eliot building, alterations to the adjoining refectory and refurbishment of the library, with new ramp and entrance canopy. A new plaza will replace the existing car park to the front of the George Eliot building.

Rob Percival reported receipt of the following additional comments/information since publication of the report:

(a) Drainage

Receipt of an amended drainage statement, showing drainage arrangements that were now satisfactory, and recommended that existing condition 7 of the draft decision notice be replaced by the following:

"The development shall be carried out in accordance with amended flood risk and drainage statement by Curtins Consulting, dated September 2013.

***Reason:** to reduce the risk of flooding in the interest of sustainable development in accordance with Policy BE4 of the Nottingham Local Plan (2005)."*

(b) Transport and Traffic Matters

Receipt of highways division comments indicating that the submitted travel plan was broadly acceptable but required revision focused around the travel survey data. Nottingham Trent University had met with colleagues in the transport strategy division and have agreed a way forward which gives them confidence in allowing that the revised travel plan will be a condition of any subsequent planning permission (see below). There were no highways objections to the application, subject to the inclusion of relevant conditions and informatives. The following additional condition was recommended:

"An updated travel plan with amended staff and student travel survey data, together with a clear list of targets, actions and marketing plan shall be submitted for the written approval to the Local Planning Authority within 6 months of the date of the permission. Upon approval it must thereafter be implemented at all times and reviewed on a biennial basis to include staff and student travel data alongside a review schemes and plans to promote aims of the travel plan going forward.

***Reason:** in the interests of sustainable travel in accordance with Policy BE4 of the Nottingham Local Plan (2005)."*

It was recommended that existing condition 5 on the draft decision notice is amended to read as follows:

"The development shall not be commenced until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff (including sub-contractors) parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plans shall be implemented in accordance with the approved details and timetable unless otherwise 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 Nottingham Local Plan (2005).*

Recommended informatives

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

Prior to any works commencing on site, the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway may occur. Please contact them on (0115) 876 5238."

The Committee:

- welcomed what was a very attractive design and NTU was praised for the quality of their more recent developments; and
- requested that Councillors Gibson and Steel be included in consultations regarding the detail of travel plan measures when submitted.

RESOLVED

- (1) to grant planning permission, subject to the conditions substantially in the form of those listed in the draft decision notice and to those amended and additional conditions referred to above;**
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.**

69 SITE OF RIVERSIDE, COVENTRY ROAD

Nic Thomas, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/02496/PFUL3 submitted by SLA Design LLP on behalf of Fast Hands Limited for planning permission to erect a new industrial building sited towards the front (west) of the site with vehicular access to the south. A parking and turning area would be provided into the rear of the building with a landscaped area between this and the rear (east) boundary of the site.

Nic Thomas reported receipt of the following additional comments/information since publication of the report:

Additional information had been received from the applicant regarding the following:

Boundary Enclosures/Lighting and CCTV/Materials: the details of which were satisfactory and removed the need for pre-commencement conditions.

Landscaping: no details had been submitted. However, a request by the agent that this be a pre-occupation condition was acceptable and it was recommended that the wording of condition 4 be revised as follows:

"The building shall not be occupied until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs,

including a management and maintenance plan, have been submitted to and approved in writing by the Local Planning Authority.

Reason: *in order that the appearance of the development be satisfactory, to comply with Policy BE3 of the Nottingham Local Plan (2005)."*

Vehicle tracking (highways): information has been submitted regarding tracking of vehicles (condition 7). While there is sufficient space to the rear of the building to provide a satisfactory turning facility for HGV vehicles, it had not yet been demonstrated that vehicles can safely access and leave the site in a forward gear. It was proposed that this detail be secured by way of a pre-occupation condition and recommended that existing condition 7 of the draft decision notice be amended to read as follows:

"The building shall not be occupied until details of a swept path analysis, to demonstrate that vehicles can safely enter and leave the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: *in the interests of highway safety in accordance with Policy BE2 of the Nottingham Local Plan (2005)."*

Roof Lighting: The applicant confirmed natural lighting will be provided to the building by providing 10% of the roof area as roof lights.

The Head of Development Management and Regeneration recommended this is secured by the following additional condition:

"Notwithstanding the details submitted, a minimum of 10% of the roof space shall be installed with roof lights.

Reason: to ensure the building is of a sustainable design, in accordance with policy BE3 of the Nottingham Local Plan".

The Head of Development Management and Regeneration also recommended that existing conditions 2, 3 and 5 as detailed in the draft decision notice, are deleted.

The Committee noted that the proposed layout of the site had been dictated by flooding issues. The design solution was attractive in the locality and the proposed landscaping solution welcomed. The ratio of car parking spaces to staff was considered acceptable in light of anticipated working arrangements.

RESOLVED

- (1) to grant planning permission, subject to the conditions substantially in the form of those listed in the draft decision notice and to those amended and additional conditions referred to above;**
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.**

70 SITE OF B SIEGEL, MAIDEN LANE

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/02115/PFUL3, submitted by Church Lucas on behalf of Walker & Son (Hauliers)/Bonington Properties Ltd, for planning permission to erect a 10 story student complex, providing 114 self-contained studio apartments with communal areas including a reconfigured Lower ground floor providing a double height communal area with mezzanine above, secure cycle parking, laundry, plant and reception/security desk. An external roof terrace for students would be provided on the seventh floor.

Rob Percival reported receipt of the following additional comments/information since publication of the report:

Correction to report: the 2nd to final sentence of paragraph 4.2(c) to read:

"The current scheme does **not** include a retail unit is proposed by the previous scheme."

Receipt of revised plans indicating:

- a reduction of the scale and massing of the elevation facing Maiden Lane and of the Rest Gardens, resulting in the proposed development being reduced from 114 self-contained studio apartments to 113;
- A revised treatment of the elevation to have a more horizontal emphasis, setting back the top two floors and providing additional glazing to lighten their mass.

The changes have been made following discussions with officers and were considered to enhance the scheme. It was recognised that the buildings height immediately fronting Maiden Lane would be increased by one storey, but the benefits that this facilitates are welcomed and more than compensated for this change. The introduction of a simpler elevational treatment to the rest garden with a brick, rather than metal clad finish, is also welcomed.

Rob Percival also noted that the description of the proposal required amendment to 113 studio apartments.

The Committee considered that, overall, the proposed design solution was acceptable. Some members expressed concern about the massing and the design treatment of the rear elevation whilst Lighter external cladding to the upper floors was suggested by some members and could be achieved through condition 3 of the pre-commencement conditions. The Committee considered that use of terraces/balconies should not be permitted to detract from the character of the adjoining rest garden or permitted to be used in an anti-social manner. In these respects, Rob Percival recommended further discussions with the applicants and an additional condition controlling details of the terraces and balconies and their use.

RESOLVED

(1) to grant planning permission subject to:

- (a) any comments being received from English Heritage, not later than 25 December 2013, not being materially different to those raised by them in relation to previous schemes for this site;
 - (b) prior completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1991, to include:
 - (i) a financial contribution for the provision or improvement of open space or public realm; and
 - (ii) a student management agreement including a restriction on car ownership;
 - (c) the indicative conditions, substantially in the form of those listed in the draft decision notice, to the amended and additional conditions referred to above and to a further condition regarding use of terraces and balconies;
- (2) to delegate power to the Head of Development Management and Regeneration 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;

71 UNIT 2, THE PICTURE WORKS

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/01945/PFUL3 submitted by Antony Aspbury Associates Ltd on behalf DG Private Hire Ltd for planning permission to a change of use of a vacant unit to a taxi booking office (sui generis).

Rob Percival reported receipt of the following additional comments/information since publication of the report:

- (a) **amended site plan**: provision of an amended site plan to allow the site area to encompass the rear car park. The Committee report had been drafted with reference to the amended plan and therefore raised no further issues.
- (b) **a letter from AZ Licensing acting on behalf of the applicant confirming the following**:
 - The application proposes hours of 7.00 am to midnight. The reference to hours of 7.00 am to 11.00 pm in a letter from the applicant to Councillors describes the initial intended opening hours of the business but the applicant would like flexibility to operate until midnight if the demand exists.

- The reference to 35,000 passengers being transported to the station in a letter to Councillors is misleading. Indicative figures collected by DG Cars show that approximately 14,000 journeys are taken to or from the vicinity of the railway station per month. In essence many of the journeys quoted will be by default have included other destinations in the area such as Loxley House, Jury's Inn, Trent House and the Magistrates Court in addition to the railway station. It is estimated that approximately 450 journeys per day occur to the vicinity of the station and approximately 300 relate to picking up or dropping off railway passengers or staff.
- Assuming that 50% of the 300 journeys per day (identified above), relates to collecting passengers from the railway station that these pickups are all relocated to the Picture Works, which is unlikely, because members of the public are able to specify any location as a collection point at the time of booking, then the DG Cars will complete in the region of 150 jobs per day from the Picture Works office. If the premises are open 7.00 am to midnight (17 hours), then this will equate to approximately 8.8 jobs per hour (or one journey every 7 minutes).
- It is anticipated that vehicles will not access Queens Road from Arkwright Street. Any vehicles accessing Queens Road from the East will access via London Road. Vehicles accessing the premises from the south-east or the Lamas Gardens area will use Summer Leys Lane and vehicles approaching from the West will use Sheriffs Way.
- DG Cars do not operate any remote holding sites for vehicles.
- The licensing department have confirmed that they can add licence conditions to the private hire operator's licence in respect of the operation of these premises.
- DG Cars remain of the view that they wish to limit the level of parking at the premises for their vehicles to an absolute minimum, so as to prevent vehicles waiting at the premises for bookings. Due to the nature of the business, all customers requiring vehicles from the premises will book vehicles in advance of their journeys and once a booking is received, a vehicle will then be dispatched to collect passengers from the office. It is anticipated that most vehicles will arrive at the premises, collect their passengers and will then immediately depart to commence their journey. If additional facilities are required then it would be possible for vehicles to collect passengers from the pickup point within Station Car Park, which, in any event, provides 30 minutes free parking.
- DG cars believe they can operate the premises without causing any significant traffic or highway safety issues and they believe that any issues relating to those issues have been addressed within the application and subsequent correspondence with the planning authority, therefore they would ask Committee members to grant full planning permission for the premises rather than temporary permission for the following reasons:
 - (a) a large financial commitment is being made to the development of the premises and there is a significant viability risk associated with the temporary permission.
 - (b) Recruitment and retention of staff issues.

- (c) the nature of the lease agreement is such that it would not be viable to operate to the premises under a temporary permission.

(c) separately a plan submitted on behalf of the applicant showing the position of the single waiting bay required under draft condition 2.

The Head of Development Management and Regeneration considered the plan submitted by the applicant in regard to the waiting bay to not be acceptable and therefore recommended condition 2 to remain part of the draft decision notice. The "waiting bay" as proposed, covers too much of the access and could be incorporated without significant reduction to the width of the access.

(d) Expressions of Support

Emails from the applicant to Councillors Mike Edwards and Jane Urquhart seeking support for the application. They state that the proposal is an opportunity to increase their business and employment and advise that any concerns regarding traffic have been resolved.

A letter of support citing the creation of employment opportunities.

(e) Additional Objections

Emails from the Chairman of Nottingham Licensed Taxi Owners and Driver Association to Councillor Mike Edwards and Councillor Chris Gibson objecting to the application.

The reason given for the objection relates to alleged contraventions of the license governing private taxi hire firms, with specific reference to activity at Nottingham Railway Station. In addition concern is expressed about the impact on the business of the hackney carriage trade as a result of the proposal.

A subsequent email from the same author has also been received to advise that the applicant, who also operates out of an office on George Street, parks illegally on the surrounding streets to this office. A letter from the Police to the Chairman of the Association which records that illegal parking has taken place was appended to the email. DVD demonstrating such evidence has also been provided by the objector.

A letter of objection with 10 signatures, addressed to Councillor Cat Arnold has been received from taxi drivers. A similar letter containing for signatures has been submitted addressed to Councillor Emma Dewinton. The objections again relate to alleged contraventions of the licence by private hire firms. A separate letter from a hackney carriage driver has also been received, objecting on the grounds of competition. A further email has been received, objecting on similar grounds to those reported above but also on traffic, congestion and highway safety matters.

A petition containing 15 signatures of hackney carriage drivers has been submitted via Councillor Rosemary Healy. The reasons for objecting relate to competition, breach of licensing regulations and highway safety.

The Head of Development Management and Regeneration considered that the objections to the application at (e) above do not raise any new issues and the matters

are already addressed by the committee report. Committee were also advised, for the avoidance of doubt, that compliance with licensing and business competition were not material planning considerations and therefore should not be given any weight in the decision-making process on this application. The points raised with regard to illegal parking at the George Street office were equally not matters which should be considered as part of the determination of the application.

(f) Objection - Marrons Shakespeares Solicitors

An objection has been received from Marrons Shakespeares Solicitors, acting on behalf of the Nottingham Licensed Taxi Owners and Drivers Association. The objection is accompanied by a highways report from BWB and the same letter from the Police previously referred to in (e), above. The principal reason for objection is traffic congestion and that the taxi office will generate a major intensification of traffic flow along Queens Road. The submission comments that attaching conditions to any permission will not preclude hazardous traffic conditions being generated by the proposal. The objection letter also states that the application should be accompanied with a transport assessment. The objection concludes that the proposal is contrary to Policy BE2 of the Nottingham Local Plan (2005) and paragraphs 32 and 36 of the National Policy Planning Framework. Notwithstanding the strong objection, it is suggested that if the Council is minded to grant planning permission, this should be on a temporary basis of no more than 12 months.

The Head of Development Management and Regeneration considered that the objection from Marrons Shakespeares states that the proposal will lead to a major intensification of traffic flow on Queens Road, but the supporting evidence for this is very limited.

The Highways Division are satisfied with the proposal and do not consider that a transport assessment or statement is required to support the application.

Nevertheless, having regard for the objections and the figures provided by AZ Licensing in relation to projected trips from the proposed taxi office, it is considered that adopting a cautious approach through a temporary permission would be appropriate in this instance. This would give opportunity for the development to proceed but would allow an opportunity for review of how the taxi office and, in particular, the collection of passengers, operates in practice.

The 12 months recommended by Marrons Shakespeares is considered too short to allow the office to have become established and for the impact of the opening of the redeveloped station and NET Line 2 to have been felt.

The Head of Development Management and Regeneration therefore recommended a temporary permission, lasting 18 months, and proposed that existing condition 1 on the draft decision notice be replaced by the following condition to effect this:

"The use hereby permitted shall be discontinued on or before 18 June 2015 unless upon subsequent application the Local Planning Authority grants a further permission.

Reason: *to allow further assessment of the impact of the proposal on the free flow of traffic along Queens Road and highway safety in accordance with the aims of Policy BE2 of the Nottingham Local Plan (2005)."*

The Head of Development Management and Regeneration also recommended that existing condition 5 on the draft decision notice be amended to read as follows:

"The use hereby permitted shall not be commenced and the management plan detailing arrangements vehicle waiting and customer collection from the premises, and measures to ensure that customer collections do not take place directly from Queens Road, has been submitted to and approved in writing by the Local Planning Authority.

The use shall not be carried on other than in accordance with the approved management plan.

Reason: *in the interests of the free flow of traffic on Queens Road and highway safety and in accordance with the aims of Policy BE2 of the Nottingham Local Plan (2005)."*

The Committee noted:

- the various submissions made by interested parties;
- That compliance with licensing obligations, business competition, allegations of illegal parking at the applicant's office on George Street and commercial arrangements over the length of the applicant's lease on the premises were not material planning considerations in determining the application;
- current redevelopment works in the area such as NET Line tram extensions and refurbishment works to Nottingham train station;
- That the proposed office location was opposite the refurbished multi-story car park which features a new access to the train station, including car/passenger "drop-off" facilities with timed free parking;
- the existing character of Queens Road is a busy traffic thoroughfare, part of the southern relief route, which will be affected by the opening of the new station facilities;
- concerns expressed, in particular, by Councillor Mike Edwards that the implications of siting such a facility in this location, adjacent to the new station hub, should be assessed further.

A proposal by Councillor Edwards to defer determination of the application to enable officers to assess further the impact of the proposed use on the future operation of the station hub area was lost when put to the vote.

The Committee concluded that:

- until such time as the effects of passenger and traffic usage in the locality of the soon to be re-opened station hub, including Queens Road, could be properly evaluated, granting permanent planning permission at this time was not an appropriate course of action; and
- temporary planning permission was appropriate. The suggestion by an objector that such a period should not be more than 12 months was not, however, of sufficient length to make the necessary assessments referred to above. 18 months was a more appropriate period as it permitted a more thorough assessment period. The temporary permission was necessary in the interests of ensuring there would not be a materially detrimental effect on the free flow of traffic on Queens Road and highway safety, in accordance with the aims of Policy BE2 of the Nottingham Local Plan (2005)."

RESOLVED

- (1) to grant temporary planning permission for a period of 18 months duration unless previously renewed, subject to the conditions substantially in the form of those listed in the draft decision notice and to those additional amendments and conditions referred to above;**
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.**

72 CITY CENTRE STUDENT ACCOMMODATION POSITION STATEMENT/UPDATE

Paul Seddon introduced a report of the Corporate Director of Development. The report:

- updated the Committee on the current numbers of student households in the city centre area (November 2013), reasons for the rise in student household numbers since October 2012 and an overview of student schemes in the city centre as at December 2013;
- reviewed the effectiveness of current City Council measures to limit the unrestricted growth of student houses in multiple occupation in residential areas adjacent to education sites and the effectiveness of linking purpose-built student accommodation to the recycling of surplus, poorer quality office/building stock;
- outlined the opportunities to strengthen Policies and guidance associated with the issue contained in the draft Land And Planning Policy document which is due to replace the current Nottingham Local Plan (2005).

The Committee noted the statistical outcomes concerning student accommodation bed spaces at Table 1 and were aware of the need for further provision. They noted the observation that there is no evidence of oversupply and that sustained progress with the current policy approach remains an objective

The Committee nevertheless expressed the view that further exploration was needed into:

- The quality of accommodation and the need to have a mix of alternative accommodation types for students;
- an appreciation of market trends including the desirability of having premises which are capable of being converted for other uses to redress possible issues of over-supply;
 - Impact of policies in student areas other than in the city centre
- the desirability of increased powers to address issues of around vacant properties.

RESOLVED to note the report and comments.

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WARDS AFFECTED: St Anns

Item No:

**PLANNING COMMITTEE
22nd January 2014**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Victoria Centre Complex Victoria Centre, Milton Street

1 SUMMARY

Application No: 13/02822/PFUL3 for planning permission

Application by: Nathaniel Lichfield & Partners on behalf of Intu Properties Plc

Proposal: External alterations to the Lower Parliament Street / Milton Street entrance of Intu Victoria Centre.

The application is brought to Committee because it is a scheme of local significance at a prominent corner location within the city centre.

To meet the Council's Performance Targets this application should have been determined by 20th January 2014

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions, substantially in the form 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 and Regeneration.

3 BACKGROUND

3.1 The application site is the southern entrance into the Victoria Centre, which is on the corner of Milton Street and Lower Parliament Street. The entrance is glazed on the ground floor, with a canopy extending over the footway. There are three upper floors in a concrete façade and ribbon glazing.

3.2 The application is a resubmission similar to an application reported to Planning Committee on 17 July 2013 (reference 13/01092/PFUL3). Committee resolved to approve the previous application in principle, but "sought further amendments to address Committee's concerns with regard to elevation treatment, materials and appearance of the entrance features". The applicant elected to withdraw the application in order to comprehensively review the design and to make this subsequent resubmission.

4 DETAILS OF THE PROPOSAL

4.1 It is proposed to express the central entrance with a projecting box in polycarbonate cladding over a section of clear glazing. The main entrance doors below would be realigned and the area of public realm outside the entrance would be repaved with granite paving. The facades to Milton Street and Lower Parliament Street would be over-clad with back-lit polycarbonate panels that are arranged in accordance with

the existing concrete bays of the building, and fixed back to the façade via a structural frame. The panels would be framed in anodised aluminium, which would also be used to clad the returns and vertical sections between the polycarbonate panels. The existing glazed canopy would be removed and the original concrete canopy would also be over-clad in anodised aluminium. The extent of the scheme would be finished with totem features at either end, which will also provide the opportunity for signage.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by site notices.

An email has been received from a citizen expressing support for the proposal. The current entrance to the Victoria Centre is dull, brutalist concrete and uninviting, as is the paved area outside. Like the look of the planned recladding, especially the way it is illuminated and changes colour, which has the potential to become a feature point. Scheme should improve the setting of the adjacent Conservation Area.

Additional consultation letters sent to:

Highways: No objection. Area to be enclosed remains within private ownership and not on the public highway.

Pollution Control: The works are likely to be carried out predominantly after the shopping centre closes. Concern that residents in the Victoria Centre flats and in the vicinity of the Victoria Centre are likely to experience noise nuisance, potentially for a prolonged period as a consequence of the redevelopment. Recommend a condition to require the submission of a detailed noise management plan for approval.

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 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.
- 6.3 Paragraph 134 of the NPPF is also relevant to this application. This advises on the need to weigh the extent of harm to the significance of a designated heritage asset against the public benefits of the proposal.

Nottingham Local Plan (November 2005):

ST3 - City Centre.

BE3 - Building Design.

BE12 - Development in Conservation Areas.

NE9 - Pollution.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) The design and appearance of the development
- (ii) The impact on the adjacent Old Market Square Conservation Area

Issue (i) The design and appearance of the development (Policy ST3, BE3 and NE9)

- 7.1 The existing 1972 façade to the Victoria Centre is tired and dated and is in need of upgrading. The proposed investment in the external appearance of the southern entrance is to be welcomed.
- 7.2 The southern entrance does not currently have a significant presence in the street scene of the area. The proposal to express this entrance with a simple contemporary box in a lightweight polycarbonate material is considered to be appropriate and will transform its appearance. The use of clear glazing to the lower section (with feature downlights) will help to emphasise the height of the main entrance into the Centre and, together with the polycarbonate section above, will provide a focal point for shoppers.
- 7.3 The use of back-lit polycarbonate panels to over-clad the existing concrete bays offers the opportunity to provide a dynamic quality of finish to the building. Colour changing LED technology will be used to reflect and promote the seasons, festivals, celebrations or events, and the applicant has provided a series of images to demonstrate the general effects that can be achieved. Whilst the use of colour across the façade will provide interest throughout the year at dusk and evening hours, it also considered that the ordered arrangement of the polycarbonate panels in bays, and with anodised aluminium vertical breaks, will also provide a significantly improved quality of finish and appearance to the building throughout the day.
- 7.4 Back-lit polycarbonate panels are also to be used in sections of the works to the Clock tower entrance into the Victoria Centre on Milton Street, and over the entrance from Glasshouse Street. There is, therefore, logic in using a consistent design philosophy and materials to provide a fresh identity to the Centre. In this respect, Committee will also note that the earlier proposal to use areas of tensile fabric cladding has been superseded by the revised polycarbonate panel design.
- 7.5 The comments of Pollution Control are noted and the need for a detailed noise management plan is a recommended condition of consent.
- 7.6 It is considered that the proposed alterations will enhance the local environment, townscape and character of the area in accordance with Policy BE3(a). A planning condition is proposed to govern the final details of the lighting of the building.

Issue (ii) The impact on the adjacent Old Market Square Conservation Area (Policy BE12)

- 7.7 The southern entrance of the Victoria Centre is adjacent to the boundary of the Old Market Square Conservation Area, which runs along the southern side of Lower Parliament Street. The Victoria Centre is prominent in views from the Conservation Area and its impact upon its character and appearance has also, therefore, been considered. The dated quality of the current façade of the Victoria Centre could be considered to be detrimental to the character and appearance of the Conservation Area. It is considered that the contemporary and lightweight quality to the proposed alterations will enhance views from the Conservation Area in accordance with Policy BE12.

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

Neighbourhood Nottingham: Providing a high quality and sustainable development.

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: 13/02822/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MWPI8ZLYCB000>

2. Highways, 3.12.13

3. D. Sellars, 4.12.13

4. Pollution Control, 10.12.13

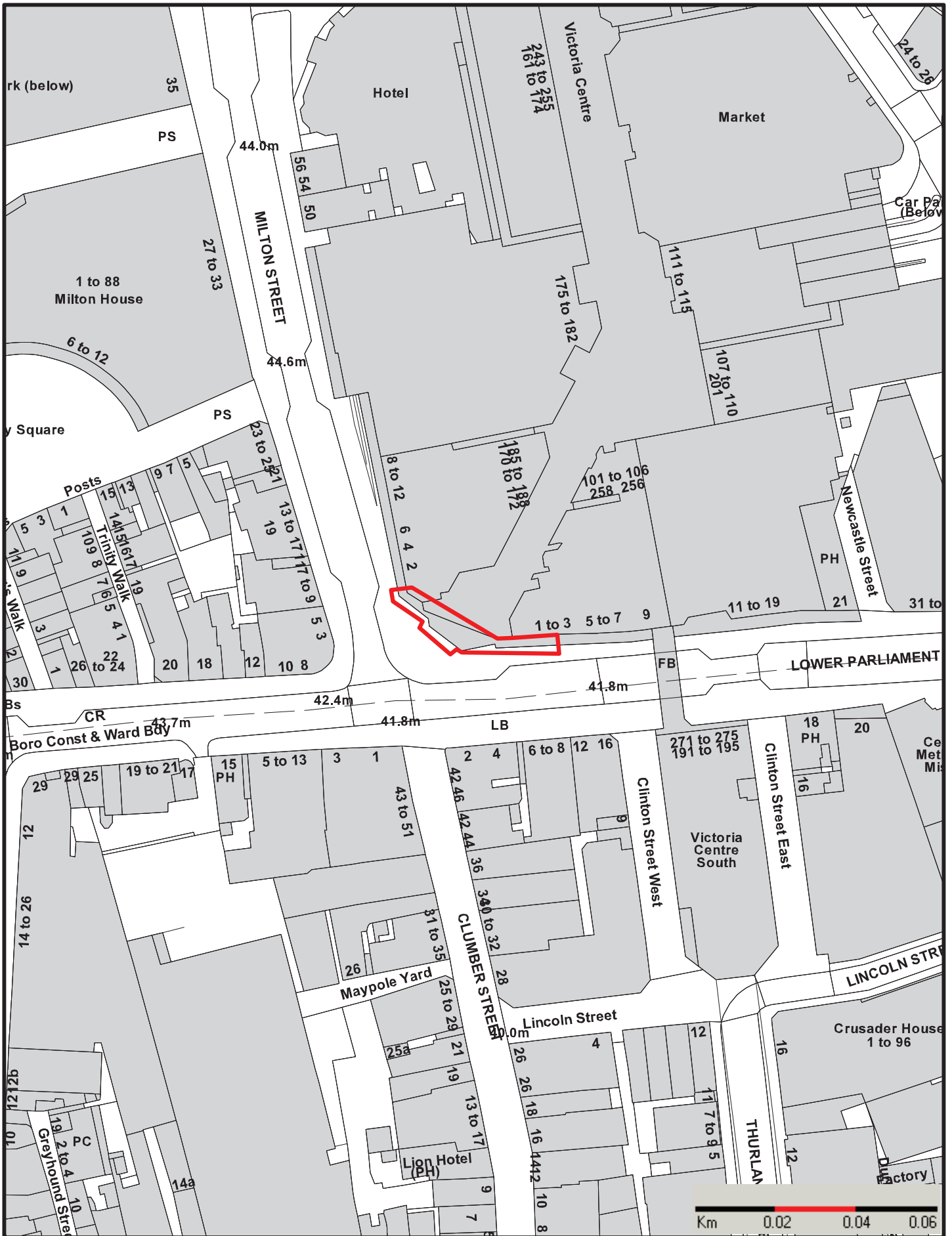
17 Published documents referred to in compiling this report

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 8764074



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My Ref: 13/02822/PFUL3 (PP-03025749)
Your Ref:
Contact: Mr J. Rae
Email: development.management@nottinghamcity.gov.uk



Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Nathaniel Lichfield & Partners
Miss Hannah Fortune
14 Regent's Wharf
All Saints Street
London
Greater London
N1 9RL

Date of decision:

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

Application No: 13/02822/PFUL3 (PP-03025749)
Application by: Intu Properties Plc
Location: Victoria Centre Complex Victoria Centre, Milton Street, Nottingham
Proposal: External alterations to the Lower Parliament Street / Milton Street entrance of intu Victoria Centre. Resubmission of planning application reference 13/01092/PFUL3.

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 a Noise Management Plan, detailing how proximate residential occupants will be protected from noise nuisance during the course of the works, has been submitted to and approved by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved Noise Management Plan.

Reason: In the interest of the amenity of proximate residential occupants to the approved development and in accordance with Policy NE9 of the Nottingham Local Plan.

3. No development shall commence until a Lighting Management Strategy, outlining the parameters under which the colour changing back-lighting of the polycarbonate panels will be operated throughout the year, has been submitted to and approved by the Local Planning

Authority. The Lighting Management Strategy shall make reference to the range of colours that are to be used, the design of the range of lighting effects that are to be used, the frequency of colour change, maximum luminance levels, and the hours of operation throughout the year. The back-lighting scheme shall thereafter be operated in accordance with the approved Lighting Management Strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the lighting of the building is managed in the interests of the amenity of the area and in accordance with Policy BE3 of the Nottingham Local Plan.

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)

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 forms, drawings and other documents comprising the application as validated by the council on 25 November 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. As the proposal includes works adjacent to the highway, the Highways Network Management team at Loxley House should be notified regarding when the works will be carried out as disturbance to the highway is possible. Please contact them on 0115 876 5238 at the earliest convenience.

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: 13/02822/PFUL3 (PP-03025749)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

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WARDS AFFECTED: St Anns

Item No:

**PLANNING COMMITTEE
22nd January 2014**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

2-20 (evens) Robin Hood Chase, The Chase Public House And Former St Anns Health Centre, St Anns Well Road

1 SUMMARY

Application No: 13/02738/PFUL3 for planning permission

Application by: BM3 Architecture Ltd on behalf of Willmott Dixon And NCC

Proposal: 45 apartments, three retail units (2 no. Class A1 use and 1 no. Class A1/Class A2 use) and public square.

The application is brought to Committee because it relates to a major development of significant local interest and would normally require a S106 obligation.

To meet the Council's Performance Targets this application should be determined by 13th February 2014

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 at the end of this report.

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

3 BACKGROUND

3.1 The application relates to a broadly rectangular site of approximately 0.57 hectare located at the centre of the St Ann's estate. The site has frontage onto the northern side of St Ann's Well Road and the western side of Livingstone Street. Vehicular access to the site is from St Ann's Well Road to the south via Livingstone Street.

3.2 The site forms part of the Robin Hood Chase Local Centre (The Chase) and is currently occupied by a range of buildings in terms of age, scale and use, which are as follows:

- The former St Ann's Health Centre (now vacant);
- The Chase Neighbourhood Centre (community centre);
- A car park on the site of the former Chase Public House;
- Two rows of small retail units, with residential maisonettes above.

There is a significant 6 metre level difference across the site as it rises from St Ann's Well Road in the south up to Aster Road to the north.

- 3.3 The development is bounded along its south western edge by Robin Hood Chase which forms part of the open space network for the City and provides a strong green corridor and pedestrian/cycle linkages between St Ann's Well Road and Woodborough Road and Corporation Oaks beyond to the north. The new St Ann's Valley Centre (Valley Centre) is located opposite the site on the eastern side of Livingstone Street with an existing parade of retail units being located to the north of the neighbourhood centre. 1970's Radburn style residential development adjoins the site to the north and east (Aster Road, Beverley Square, St Ann's Valley Road and Duncombe Close).
- 3.4 The site is allocated in the adopted Nottingham Local Plan as a local shopping centre.

Planning History

- 3.5 In February 2010 (planning ref: 09/03346/NOU) outline planning permission was granted for the redevelopment of The Chase for a mixed use scheme, including joint service centre (Valley Centre), retail, office and residential. All matters were reserved apart from access, in respect of which the outline application granted planning permission for a revised road layout, which involved the stopping up of the existing St Ann's Valley Road and its diversion via a new access point on St Ann's Well Road in order to facilitate the development of the JSC.
- 3.6 In April 2010 (planning ref: 10/00627/PRES4), reserved matters for Phase One of the outline consent was granted for the Valley Centre located to the east of the site fronting St Ann's Wells Road. The Valley Centre has now been constructed and has brought together a number of existing and new services together including health facilities, local library, housing services and support services targeting families and young people. The Valley Centre replaces the existing Health Centre fronting St Ann's Well Road and the library building at the north end of the local centre.
- 3.7 Approval has been granted in 2013 for the demolition of the former Health Centre and the two rows of retail units with maisonettes above.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission for a new mixed use development at The Chase consisting of 45 apartments for the elderly, 3 retail units (197sqm and 2 units x 87.2 sqm in area) and new public square. A flexible permission is sought for one of the smaller retail units to allow the relocation of the betting shop into it, from one of the existing units to be demolished. The proposal relates to the Phase Two of the redevelopment of The Chase.
- 4.2 The development would comprise of rectangular shaped 3 storey building which would have a linear south/north orientation across the site. The retail element of the scheme would be located fronting St Ann's Well Road and Livingstone Street and would align with the Valley Centre. A small single storey element would project to the front of the building facing St Ann's Well Road to provide additional retail space. The larger of the proposed units would form a small supermarket (197sqm) with post office, cash point and pay point facility would front onto the St Ann's Well Road. The two smaller retail units (both 87.2sqm) would be located to the rear of the supermarket unit and would front onto Livingstone Street.

- 4.3 The remaining part of the ground floor and upper two floors would accommodate the 45, one bed elderly person apartments and would comprise affordable housing as all apartments are to be rented from a registered provider of social housing. The apartments are proposed to be accessed from a dedicated entrance with stairway and lift located at the north west corner of the building. A communal lounge and external roof terrace is proposed on the second floor for the benefit of residents.
- 4.4 The proposed building is contemporary in design and would be constructed using a core palette of three materials; red brick, timber effect cladding and a light grey brick.
- 4.5 Dedicated car and cycle parking would be provided for the residential and retail uses. The retail units would be served by 20 car parking spaces (3 disabled), 6 cycle and 2 sheltered/secure motorcycle parking spaces which would be located to the front and side of the retail units, together with a fenced service yard. The parking areas would be accessed from St Ann's Well Road. The apartments would be served by 16 car and 6 cycle parking spaces which would be located to the western side of the building adjacent to Robin Hood Chase. Access to residents parking would be provided a new access road from Livingstone Street.
- 4.6 The new public square would be located at the northern end of the site adjoining the community centre. The detailed layout and design would be designed in partnership with the local community through a series of community workshops.
- 4.7 A commitment has been given by the developer to deliver local employment and training opportunities during both the construction and subsequent operation of the development.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by site notices and press advert. In addition the following neighbours have been directly consulted:
- Flat 1-36 Mellors Lodge,
 St Ann's Residents and Tenants Association Central
 1-7 Beverley Square
 Chase Neighbourhood Centre Robin Hood Chase
 22- 28, 28A and 30 Robin Hood Chase
 Church Of St Ann with Emmanuel Robin Hood Chase
 St Anns Joint Service Centre
 4-28 and 42, Bellevue Court
- 5.2 A series of public consultation events have been held in the community to promote the current scheme and to start consultation on the design of the public square. Attendees and questionnaire responses were supportive of the development and detailed comments on the requirements for the retails units were made and fed back to the design team.
- 5.3 One letter of objection has been received from a local resident who considers that the proposed public square is too small in size to be of value to the local community. The provision of 45 elderly persons sheltered housing units in close

proximity to the St Ann's Valley Centre is supported but concerns are raised that the apartments may not solely be let to the elderly if insufficient interest arises to occupy it and that a covenant should be imposed to prevent this happening. He considers that insufficient consultation has taken place and that the community should have been involved during the design stage of the scheme. However, the building would look pleasant in its surroundings and compliments the St Ann's Valley Centre opposite. The versatility of the proposed retail space is good and the car parking spaces are considered to be sufficient.

- 5.4 Nottingham Local Access Forum (the Forum) have commented that the development is adjacent to the Robin Hood Chase, public footpath and associated open space set out under the Enclosure Act 1845 and consider it important that the development does not encroach upon it. The design of the development means that access roads, parking and bin will face the Robin Hood Chase, with the potential to damage its character and environment and as a result it is seen as essential that hard and soft landscaping is carefully used to lessen its impact, whilst not creating opportunities for anti-social behaviour. The proposed development involves the closure of a number of public footpaths and the Forum considers it important that good access is maintained between the Robin Hood Chase and its adjacent areas. The proposal to open up the site by creating a new public square that creates a sense of place, and provides a more permeable route through the site, is welcomed. The proposed improved footpath, running alongside this square should be well designed, of the appropriate width and feel safe for all uses if it is to effectively replace the paths which will be lost. It is seen as also important to maintain safe pedestrian access between Robin Hood Chase and the adjacent areas whilst construction is underway. The Forum state that if these requirements are satisfactorily met, there would be no objection to the closure of the other footpaths. If the application is granted planning permission, appropriate conditions should be imposed, to take account of the above issues.

Additional consultation letters sent to:

- 5.5 **Planning Policy** – No objections. The development as a mixed use scheme involving retail and residential development is considered to accord with the policies of the NPPF and the Nottingham Local Plan and will assist towards regeneration of the area.
- 5.6 **Pollution Control:** No objections. Conditions relating to ground contamination, gaseous emissions and noise are recommended.
- 5.7 **Highways:** No objections. Highways support in principal the stopping up of the 3 Public Right of Ways which cross the site and the enhancement of one right of way to link the Chase with the surrounding area to the north east. Details of the proposed public square and areas of public realm and how they relate to the public highway will need to be agreed by condition. Other conditions relating to the submission of a construction management plan, access details, provision of car and cycle parking, servicing facilities, drainage details and implementation of the submitted travel plan are also recommended.
- 5.8 **Environment Agency:** No objections. The site is located in Flood Zone 1 and is therefore at low risk of flooding. The proposed surface water drainage strategy for the site should be designed to take account of the EA's standing advice and based on sustainable drainage principles.

- 5.9 **Urban Design:** The development has been the subject of extensive discussions regarding its design and layout and the current scheme is fully supported. Revisions have been made to ensure that the existing telephone box fronting St Ann's Well Road is fully incorporated into the scheme. Details of the proposed boundary treatment are considered to be acceptable. Additional work is required to ensure that the area of the proposed landscaping treatment and levels of the public realm at the corner of St Ann's Well Road and Livingstone Street relate well to the street and provide easier pedestrian access. The potential of more glazing on the retail frontage is considered to be essential.
- 5.10 **Tree Officer:** No objections. The submitted tree survey shows that the development would not have significant implications on trees along the Chase. New tree planting along the frontage with St Ann's Well Road is welcomed. Conditions relating to an agricultural method statement and landscaping are recommended.
- 5.11 **Nottinghamshire Wildlife Trust:** The habitat survey contains a recommendation that a further dawn activity survey be carried out in respect of certain existing buildings on the site. The Trust recommend that this be carried out this survey is carried out prior to the demolition of the buildings.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The NPPF advises that there is a presumption in favour of sustainable development, the deliverance of a strong competitive economy and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to encourage the effective use of land that has been previously developed (brownfield land).
- 6.2 Paragraph 23 recognises the town and local centres as the heart of communities and Local Planning Authorities should pursue policies to support their viability and vitality. Local Authorities should promote competitive town centres that provide customer choice and a diverse retail offer.
- 6.3 Paragraph 50 recognises the need to deliver a wide choice of high quality homes to create sustainable, inclusive and mixed developments.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities

ST2 - A Successful Economy

H2 - Density

H3 - Appropriate Housing Types

H5 - Affordable Housing

S4 - Retail Development, Town/Local Centres

S6 - Non Retail Uses, City/Town/Local Centres

R2 - Open Space in New Development

CE1 - Community Facilities

BE1 - Design Context in the Public Realm

BE2 - Layout and Community Safety

BE3 - Building Design

BE4 - Sustainable Design

BE5 - Landscape Design

BE7 - Public Open Spaces in the City Centre

NE3 - Conservation of Species

NE5 - Trees

NE9 - Pollution

NE14 - Renewable Energy

T3 - Car, Cycle and Servicing Parking

T12 - Public Rights of Way

7. **APPRAISAL OF PROPOSED DEVELOPMENT**

Main Issues

- i) Principle of the mixed use development
- ii) Design and Layout Considerations.
- iii) Highway Considerations

i) Principle of the mixed use development (NPPF, Policies ST1, S4, S6, H2, H3, H5 and R2)

- 7.1 Robin Hood Chase has been suffering slow decline resulting from a range of economic and environmental issues associated with its design and layout. In addition, there are significant problems with crime and anti-social behaviour. It has therefore been a long established aspiration of the City Council to revitalise and regenerate the Robin Hood Chase Local Centre. The local shopping centre now has several shops lying vacant, including the recent closure of the Co-op convenience store and future closure of the post office in the northern part of the centre.
- 7.2 The current proposal relates to Phase Two of the comprehensive mixed use scheme of the existing local centre and peripheral land to create a new heart to

Robin Hood Chase. The principal uses, namely retail, health care and public services, community facilities and residential, already exist in the centre and on adjacent sites. Outline planning permission for a mixed use scheme followed by the subsequent permission and construction of the Valley Centre as Phase One of the scheme has established the principle for this type of development and forms a key element of regeneration proposals for The Chase. The main intention of the proposed scheme is therefore to restructure the existing functions of the centre to provide a more coherent layout and location for these current uses to aid its economic and environmental revitalisation and provide greater accessibility to local services.

- 7.3 The existing shops are due to be demolished and their removal would create a local demand for retail, including the need for a convenience store to replace the Co-op. The development aims to fulfil this demand with the provision of 3 retail units, including a new supermarket and post office within it. The supermarket is also proposed to provide other important services such as a cash point and payment facilities identified as part of the community consultation. The new retail units have prime frontage to the St Ann's Well Road to maximise their visibility and potential to attract passing trade. Their proximity to the Valley Centre aims to create a hub of local facilities with and good accessibility for the local community it serves.
- 7.4 The NPPF recognises that residential development can play an important role in ensuring the vitality of centres and where centres are in decline recognises that positive plans, which restore economic activity should be encouraged. The Chase has historically had an element of residential use within it, with the maisonettes being located above the existing shops. This is therefore an appropriate site for the proposed mixed use development, which is in compliance with the NPPF and policy ST1, it would contribute towards a sustainable community. The development would provide 45 one bedroom and two bedroom elderly persons apartments. It would serve an identified need for this type of accommodation and would allow the elderly to continue to live independently at the heart of their local community, in specially designed accommodation. The apartments would be affordable housing rented from ASRA, the registered provider of social housing, promoting the scheme and which has secured HCA funding to unlock the viability of the scheme.
- 7.5 The removal of the row of shops and maisonettes to the rear of the existing community centre has provided the opportunity to create a new public square at the heart of The Chase. The direct relationship between the new public square and existing community centre aims to create a public space, through consultation, with the local community to meet their aspirations and needs to further enhance the amenity of future users of the local centre. The provision of the public square is considered to meet the open space requirement required by policy R2 of the Local Plan.
- 7.6 It is therefore considered that the principle of this mixed use redevelopment scheme is acceptable and would comply with policies ST1, S4, S6, H2, H3, H5 and R2 of the Local Plan and relevant principles of the NPPF.

ii) Design and Layout Considerations (Policies BE2, BE3, BE5 and BE7)

- 7.7 Many of the problems associated with the existing centre are a direct result of its existing layout particularly with:
- Lack of any commercial presence, unattractive visual frontage and connection

- to St Ann's Wells Road,
- Poor configuration of existing retail units which face Robin Hood Chase but then turn their back on the car parking areas and surrounding residential areas – unattractive blank rear facades, stark parking areas, lack of surveillance.
 - Poor pedestrian connections through the centre, which are not well lit.
 - General run down nature of this 70's shopping centre, poorly maintained and vacant units.
- 7.8 The layout of the development has been designed in close consultation with the City Council to resolve the above issues with the existing layout. The linear form of the development focuses the retail element of the scheme to the sites frontage with St Ann's Well Road and Livingstone Street to provide a strong active frontage and maximise accessibility to local services. Residential apartments located to the rear and above the retail units would continue to provide an active frontage to all sides of the building with particular emphasis being placed upon connecting the development to Livingstone Street and Robin Hood Chase. A service area for the retail units has had to be accommodated within the scheme and this would be located to the front western side of the building adjoining the Chase. Additional landscaping and strong boundary treatment is proposed to minimise its visual impact.
- 7.9 The scale and massing of the building in conjunction with the position of the building on the site has been carefully designed to use the rising ground levels of the site and the surrounding area to break down its scale and mass. Parking to serve the retail units has been positioned to the front of the building to specifically take account of level differences on this frontage and align the building with the Valley Centre. The building whilst being 3 storey in height would appear to be lower adjacent to the neighbourhood centre due to the 'cut' in to the slope'. Towards St Ann's Valley Well Road the height of the building would reflect the height of the adjacent Valley Centre.
- 7.10 The building is of a simple contemporary design and palette of materials which would compliment the adjacent Valley Centre. The rectangular footprint of the building has been specifically chosen to reduce construction costs and maintain the viability of the scheme and ensure its deliverability.
- 7.11 The existing community centre forms an important local facility. This will remain and the introduction of a new public square adjoining it will further reinforce the focus of community uses in the central part of The Chase. The aim will be to create a welcoming multifunctional meeting space which relates well to the community centre, which feels safe, is well lit and use a simple palette of good quality materials with landscaping. The detailed design of the public square would be secured by condition.
- 7.12 The development would continue to provide strong pedestrian connections between The Chase, Livingstone Street and surrounding residential areas. Pedestrian routes have been rationalised, with an enhanced pedestrian route being provided to the north of the development alongside the Neighbourhood Centre into the new public square and directly to the retail units and apartment building.
- 7.13 The apartment building will be enclosed by metal railings, with elements of brick retaining walls and soft landscaping behind to provide privacy and security for residents of the building. A brick retaining wall with railings above is proposed along the frontage with St Ann's Well Road. The landscape strategy proposes new

areas of public realm to connect the scheme into The Chase and compliment the area of public realm on the opposite corner to the front of the Valley Centre, the details of which will be dealt with by condition.

- 7.14 It is considered that this approach will help to improve the layout, functioning, community safety and overall attractiveness of the centre to accord with policies BE2, BE3 and BE5.

iii) Highway Considerations and Public Rights of Way (Policies BE2, T3 and T12)

- 7.15 A Transport Assessment has been submitted with the application and has concluded that the proposal would not generate a material increase in traffic and proposed traffic movements could be accommodated within the existing highway network. Furthermore the development would provide excellent opportunities for access by walking, cycling and public transport for both staff and the public. The preparation and submission of a detailed travel plan will be secured by condition.
- 7.16 Dedicated parking has been provided for the retail and residential apartments each of which would be served by separate vehicular access points to ensure that parking is available for each use. Given that the site is well served by public transport, cycle and pedestrian routes and is centrally located within its catchment area the level of parking proposed is considered to be acceptable.
- 7.17 A stopping up order has been made to close the existing pedestrian routes across the site and is currently out for consultation. The provisions of the stopping up order, together with the proposals to provide alternative enhanced, well lit pedestrian routes through the site are considered to be in principle satisfactory to the Highways team.
- 7.18 The detailed design of the internal layout, servicing and parking provision serving the development are proposed to be dealt with by condition as requested by Highways.
- 7.19 The development is therefore considered to comply with policies BE2, T3 and T12 of the Local Plan.

Other Material Considerations

- 7.20 **Impact on Residential Amenity** (Policies BE3 and NE9): Existing residential properties adjoin the site to the north and east, with closest properties being at Beverley Square located directly opposite the new public square and to the rear of the Valley Centre. It is considered that the position of the development would not result in any material impact on the residential amenities of these nearby properties.
- 7.21 Conditions relating to external lighting, submission of a noise report, details of external plant, hours of opening and delivery times are recommended, to further safeguard against any detrimental impact on the residential amenity of nearby properties.
- 7.22 **Flood Risk and Drainage** (Policy NE10): The Flood Risk Assessment (FRA) submitted with the application concluded a low risk of flooding. It proposes a surface water drainage strategy which would seek to attenuate the peak discharge

to a flow rate not exceeding the existing. The use of sustainable drainage systems, such as permeable surface treatments as part of a detailed drainage scheme is to be secured by condition.

- 7.23 **Planning Obligations:** (Policies H5, R2 and ST1): The overall scheme delivers a supported independent living scheme of 45 affordable dwellings above and behind the new retail premises. This more than satisfies the requirement for a minimum of 20% affordable housing to be provided on the site in accordance with Policy H5. The mechanism for securing this will be by way of the land ownership agreement with the City Council.
- 7.24 Financial appraisals have demonstrated that the overall development is unable to meet the other planning obligation requirements which would usually be expected for a development of this nature, namely a financial contribution towards off site open space. The findings of the appraisal have been validated by previous independent assessment and are considered to be justified. In order to ensure that the development proceeds the Council is providing gap funding from Affordable Housing Contributions from other sites within the city to support the financial viability of the scheme. Funding for the new public square will be from existing Council resources. Having regard to the issue of viability and the overall benefit of this development it is considered that a relaxation of the policy requirements is justified in this instance.
- 7.25 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 land ownership agreement with the City Council.
- 7.26 **Contamination** (Policy NE9): The submitted desk top contamination study indicated that previous uses would result in the potential for ground and gas contamination to be present on the site. Further intrusive soil, gas and groundwater investigation would therefore be required with regards to policy NE9.

8. SUSTAINABILITY / BIODIVERSITY (Policies BE3, BE4, BE5 and NE14)

- 8.1 The development of a regenerated local shopping centre with integrated public services and additional housing at the heart of the local community it serves would by its very nature form a highly sustainable development.
- 8.2 The submitted energy report identifies that the development would best meet its 10% renewable energy target through the application of fabric first approach with additional solar panels to the roof. The residential element of the scheme would achieve Code for Sustainable Homes Level 4.
- 8.3 The submitted ecological appraisal highlighted the need for an additional bat survey of some of the buildings prior to their demolition and for development to be undertaken outside the bird breeding season. Demolition of existing buildings has already been granted permission and will be carried out separately by the City Council.
- 8.4 Given the poor ecological credentials of the existing centre this development provides an opportunity to enhance biodiversity across the site and strengthen green linkages with Robin Hood Chase.

8.5 The development would not encroach upon the Robin Hood Chase and Enclosure Act land.

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

Providing facilities to meet a wide range of community needs.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: the development would provide high quality and sustainable residential development, improve local services within the neighbourhood centre and strengthen community cohesion in neighbourhoods.

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

Working Nottingham: the development will provide local employment opportunities.

14 CRIME AND DISORDER ACT IMPLICATIONS

The proposals seek to enhance natural surveillance of the area.

15 VALUE FOR MONEY

None.

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

1. Application No: 13/02738/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MW91OQLY00L00>

2. Pollution Control comments 05.12.13.

3. Environment Agency comments 04.12.13.

4. Highway comments 04.12.13 and 19.12.13

5. Email from Nottingham Local Access Forum 16.12.13.

6. Tree Officer comments 11.12.13

7. Planning Policy comments 10.12.13

8. Nottingham Wildlife Trust comments 27.11.13.

9. Urban Design comments 10.12.13

10. Comments from local resident of Belvue Court 18.11.13.

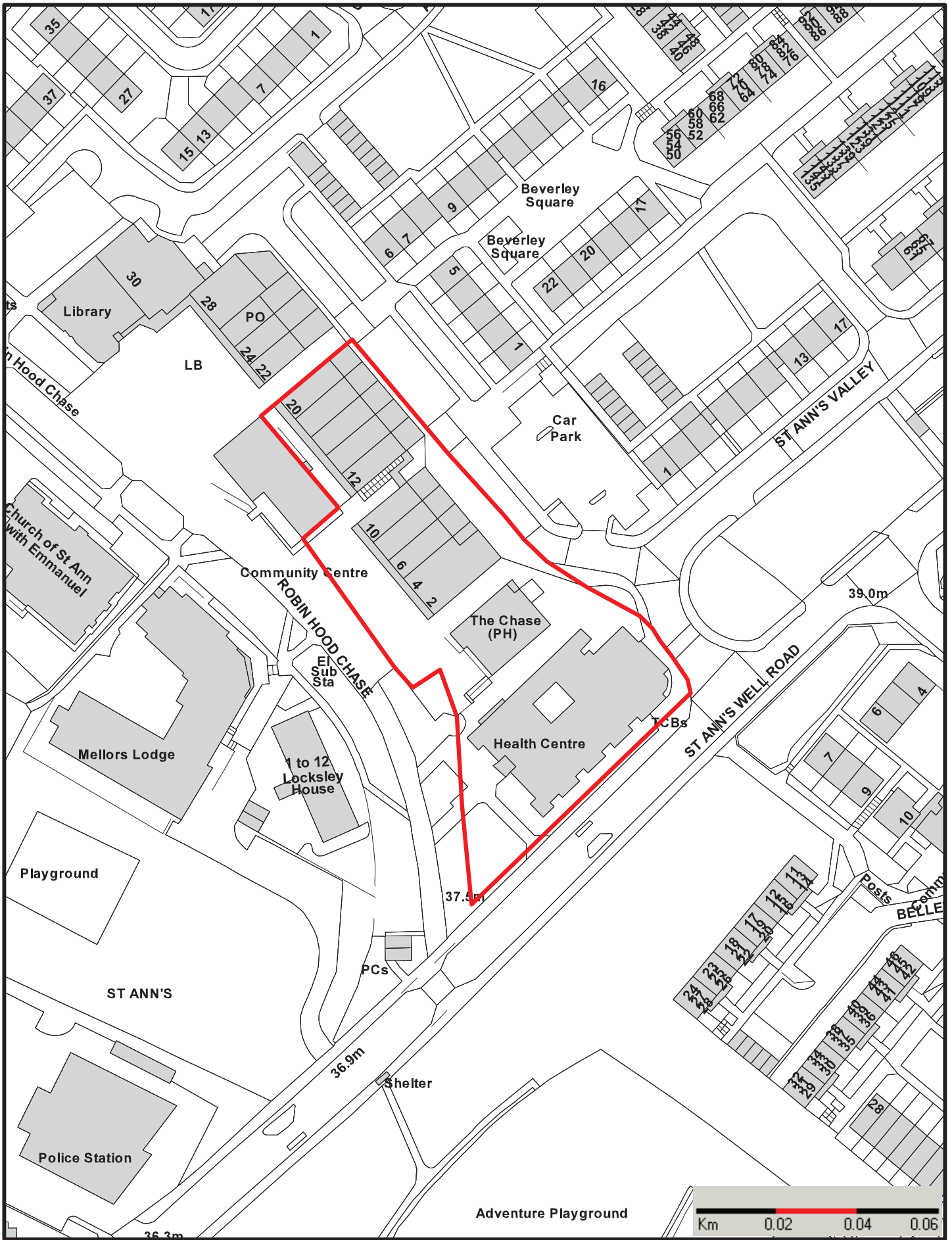
17 Published documents referred to in compiling this report

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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My Ref: 13/02738/PFUL3 (PP-02998485)
Your Ref:
Contact: Jo Briggs
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

BM3 Architecture Ltd
FAO: Mrs Mary Gaskell
28 Pickford Street
Birmingham
B5 5QH

Date of decision:

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

Application No: 13/02738/PFUL3 (PP-02998485)
Application by: Willmott Dixon And NCC
Location: 2-20 (evens) Robin Hood Chase, The Chase Public House And Former St Anns Health Centre, St Anns Well Road, Nottingham
Proposal: 45 apartments, three retail units (2 no. Class A1 use and 1 no. Class A1/Class A2 use) and public square.

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 an Arboricultural Method Statement 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 and adjoin the site on Robin Hood Chase.

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

3. The development shall not be commenced until a Construction Management Plan detailing how the proposed development works are to be carried out, including details of the type, size and frequency of vehicles arriving and leaving the site, how the site will be accessed by construction vehicles, contractor parking provision, traffic management plans, and the phasing of works, has been submitted to and approved by the Local Planning Authority. The approved Construction Management Plan shall be implemented throughout the period of construction.

Reason: In the interests of highway safety and to protect the amenities of neighbouring occupiers in accordance with Policies BE2 and BE3 of the Local Plan.

4. The development shall not be commenced until details of an environmental noise assessment and sound insulation scheme have 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 sound insulation scheme shall include the glazed areas of the property and any complementary acoustical ventilation scheme and shall include 1/3rd octave band analysis, all assumptions made (e.g. glazing and façade areas) and be designed to achieve the following internal noise levels:

- i) Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.
- ii) Not more than 45dB L_{Amax} (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.
- 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 NR 30 for living rooms between the hours of 07.00 and 23.00.
- ii) Not exceeding NR 25 bedrooms between the hours of 23.00 and 07.00.

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.

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

5. 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 in accordance with Policy NE12 of the Nottingham Local Plan.

6. 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.

7. 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.

8. The development shall not be commenced until details of areas to be hard landscaped, including the proposed parking areas, access road and service 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.

9. The development shall not be commenced until details of drainage plans for the disposal of surface water, to include the use of sustainable drainage systems, 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 reduce the risk of flooding in the interest of sustainable development in accordance with Policy BE4 of the Local Plan.

10. Notwithstanding the submitted plans, the development shall not be commenced until details of enclosure of the site, including retaining walls, 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 proposed area of public realm at the corner of the St Ann's Well Road and Livingstone Street, which shall include details of finished levels, surfacing treatment, landscaping and enclosure details, 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: To ensure a high quality development in accordance with Policy BE3 of the Local Plan.

12. The development shall not be commenced until details of external lighting and security measures, 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: In the interests of crime prevention and community safety, and to ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

Pre-occupation conditions

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

13. No part of the development shall be occupied until the facilities for refuse storage and cycle and motorcycle storage have been provided in accordance with the details shown on the approved plans or other such details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there are adequate facilities for the storage of refuse bins and cycles in the interests of the amenities of the occupiers of the development, adjoining residential occupiers in accordance with Policies BE2, BE3 and T3 of the Local Plan.

14. 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.

15. 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.

16. No part of the development shall 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.

17. No part of the development shall be occupied until the proposed access, parking spaces and servicing areas for that part of the site 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

18. No part of the development shall be occupied until:

- a) the sound insulation scheme and complementary acoustical ventilation scheme for the development have been implemented in accordance with the details approved pursuant to condition 4;
- b) the external parts of the site have been surfaced in accordance with details approved pursuant to condition 8;
- c) the method to dispose of surface water has been provided in accordance with details pursuant to condition 9;
- d) the site has been enclosed in accordance with details approved pursuant to condition 10;
- e) the area of public realm at the corner of St Ann's Well Road and Livingstone Street has been provided in accordance with details approved pursuant to condition 11; and
- f) the external lighting and security measures, have been implemented in accordance with details approved pursuant to condition 12.

Reason: To ensure that the appearance of the development will be satisfactory, to ensure a satisfactory standard of accommodation is provided, in the interests of a sustainable development and to ensure that the occupiers of the development do not experience noise nuisance in accordance with Policies BE2, BE4, NE9 and NE10 of the Local Plan.

19. No part of the development shall be occupied until details of the proposed solar panels and their position on the building have been submitted to and agreed in writing with the Local Planning Authority.

The development shall then be carried out in accordance with the approved plans prior to 50% occupation of the residential apartments.

Reason: In the interests of providing a sustainable development in accordance with Policies BE4 and NE14 of the Local Plan.

20. Prior to the retail units first being brought into use details of the siting of any plant and/or air handling equipment, its type and model, acoustic specification of the plant, and shielding proposed and relevant calculations shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include a noise assessment report demonstrating that the noise from all plant and/or air handling equipment on site meets the following criteria at the nearest noise sensitive properties:

- a. For 24hr operation - Noise Rating NR35 (see BS 8233:1999)
- b. For operation between 07:00 and 23:00 - Noise Rating NR45 (see BS 8233:1999)

The approved equipment shall be installed prior to the retail units first being brought into use.

Reason: In the interests of amenity of residents of the development and nearby residents and in accordance with Policy BE3 and NE9 of the Local Plan.

21. No part of the development shall be occupied until details of the public square, to include finished levels, surfacing treatment, landscaping, lighting and street furniture have been submitted to and agreed in writing with the Local Planning Authority.

The public square shall then be built in accordance with the approved plans prior to 50% occupation of the residential apartments.

Reason: To ensure that the appearance of the development will be satisfactory 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)

22. The public square shall then be built in accordance with the approved plans prior to occupation of the 23rd residential apartment, unless otherwise agreed in writing with the Local Planning Authority.

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

23. The retail units shall not be open to customers outside the hours of 07.00 to 23.00 on any day.

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

24. Servicing shall not take place outside the hours of 07.30 to 19.00 Monday to Friday, 08.00 to 19:00 Saturday only and not on Sundays and Bank Holidays.

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

25. A full travel plan with up-to-date staff and resident travel survey data shall be submitted for approval by the Local Planning Authority once 50% of the residential units have been occupied. This travel plan shall be based on the Framework Travel Plan submitted as part of this planning application and will make reference to schemes and developments that have occurred during the interim period. The full travel plan will use travel plan survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan coordinator, responsible for ensuring the activities and schemes included in the full Travel Plan are delivered and to monitor its performance targets, and annual travel plan surveys shall be carried out on an annual basis for a minimum not less than 3 years following initial occupation, with a Travel Plan update to be submitted and to the Local Planning Authority for approval within 3 months of each survey date.

Reason: In the interests of sustainable transport to comply with Policies BE2 of the Nottingham Local Plan (2005) .

26. Prior to the installation of the shop frontages in the retail units full details of any roller shutter, including details to demonstrate that the shutter will be internally housed, shall be submitted to and agreed in writing with the Local Planning Authority.

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

<p>27. The open areas of the site shall not be used for any form of storage of goods, merchandise, plant or materials of any description.</p> <p><i>Reason: To protect the amenities of the occupiers of the development and to ensure that the appearance of the building will be satisfactory in accordance with Policy BE3 and NE9 of the Nottingham Local Plan.</i></p>
<p>28. Any gates placed at the Livingstone Road and St Ann's Well Road accesses shall be designed to open inwards only and set back a minimum of 5 metres from the back of the highway.</p> <p><i>Reason: In the interests of highway safety in accordance with Policy T3 of the Local Plan</i></p>
<p>Standard condition- scope of permission</p>
<p>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 52254 D120 revision B, received 8 January 2014 Planning Layout reference 52254 D121 revision C, received 8 January 2014 Planning Layout reference 52254 D122 revision C, received 8 January 2014 Elevations reference 52254 D130 revision D, received 8 January 2014 Elevations reference 52254 D131 revision D, received 8 January 2014 Plan reference 52254 D140 revision C, received 8 January 2014 Plan reference 52254 D141 revision B, received 8 January 2014 Planning Layout reference 52254 D101 revision B, received 8 January 2014 Plan reference 52254 D150 revision A, received 8 January 2014 Plan reference 52254 D160, received 8 January 2014</p> <p><i>Reason: To determine the scope of this permission.</i></p>

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. 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).

DRAFT ONLY

Not for issue

Continued...



5. In relation to the proposed noise assessment BS8233 gives an approximate relationship between NR & dBA as $NR = dBA - 6$. This is specifically an approximation 'in the absence of strong low frequency noise'. Therefore it is appropriate and reasonable to assess internal noise levels, where low frequency noise is noticeable, using the NR curves specified.

6. Please note the following informatives from the Highways Team:

- It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every 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.

- 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.

- The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring. Please contact them on 0115 8765238.

- 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.

7. In relation to condition 26 relating to roller shutters, the shutter, shutter box and guides should be designed and colour finished to form an integral part of the shop fronts. The shutter box must be internally housed and the shutters should be open grill in design.

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: 13/02738/PFUL3 (PP-02998485)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

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WARDS AFFECTED: Mapperley

Item No:

**PLANNING COMMITTEE
22nd January 2014**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

The Wells Road Centre , The Wells Road

1 SUMMARY

Application No: 13/02630/PFUL3 for planning permission

Application by: Hooley Tratt Partnership Ltd on behalf of Notts Healthcare NHS Trust

Proposal: New 4.2m high security fencing and gates and new access.

The application is brought to Planning Committee at the request of Councillor Dewinton who has submitted a written request for the application to be determined by the Committee because of the sensitivity of the development in relation to adjacent land uses.

To meet the Council's Performance Targets this application should have been determined by 26th December 2013

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions, substantially in the form 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 Head of Development Management and Regeneration.

3 BACKGROUND

- 3.1 The application site comprises land to the south of The Wells Road Centre, which is used by the NHS as a facility to care for people with mental health disorders. Some service users live in the community and visit as the centre as and when required, but there are also three wards within the centre which provide low secure inpatient services.
- 3.2 The land is currently overgrown and is enclosed by a brick wall along the Wells Road boundary, and a metal fence of approximately 2.2m height which separates the application site from the adjacent park area to the east.
- 3.3 The land has several trees within the site and, along with the health facility and the adjacent park, lies within the Mapperley Hospital Conservation Area.
- 3.4 To the east of the park is the former Mapperley Hospital which has been converted to residential use. To the south of the site is a modern housing development, whilst to the west, on the opposite side of The Wells Road, is older housing stock.

4 DETAILS OF THE PROPOSAL

- 4.1 New 4.2m high security fencing and gates and new access from The Wells Road. The security fencing would be similar in appearance to the existing security fencing around the Wells Road Centre and would enclose the partially wooded area in order to form a secure space that could be used for activities for the patients such as horticulture, agriculture and forestry, as part of their treatment.
- 4.2 The fencing would extend the fenced area around the centre, and allow patients and staff to use the site without leaving the secure area. It would be set back from the Wells Road boundary and from the existing fencing adjacent to the park.
- 4.3 An access exists into the site from The Wells Road. This would be widened and alterations carried out to the wall. A vehicle 'lock' would be provided (i.e. a separate fenced area) to provide secure vehicle entry into the site. This is intended to be for maintenance vehicles only, and it is not proposed to use this as a main entrance to the overall site.
- 4.4 Some trees and shrubs within the site would need to be removed in order to install the fence. A landscaping scheme has been proposed as part of the application.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Site notices were posted and a press notice published.

6 letters of objection were received as a result of the consultation process.

Grounds of objection are:

- Size of fence unacceptable in a conservation area and adjacent to a public park as it would be so tall it would destroy the character and environment of the park
- The fence would be an eyesore for the residents of The Wells Road and would de-value property prices
- The loss of trees is unacceptable as this is a conservation area
- Would give the impression that local residents are imprisoned
- Removal of trees and shrubs would lose ability to screen the fencing
- Concerns regarding the activities to be planned in the fenced area, which is next to a children's play area
- Concerned for the safety of the community with the inmates having more freedom
- There are bats in the area and the application form states no reasonable likelihood of protected species being harmed. No survey has been submitted to establish this
- If high security is required for the safety of the community then consideration should be made to moving the facility to a less residential area

Additional consultation letters sent to:

Highways: No objections subject to conditions regarding access details

Parks and Open Spaces: No objection subject to the area between the existing and new being accessible for maintenance by the NHS.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 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.
- 6.2 Paragraph 131 of the NPPF notes that local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.

Nottingham Local Plan (November 2005):

BE3 - Building Design.

BE12 - Development in Conservation Areas.

R1 - The Open Space Network.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether the development will:

- (i) preserve or enhance the character or appearance of the Mapperley Hospital Conservation Area and the wider area
- (ii) have an impact on the Open Space network
- (iii) have an impact on the amenities of the occupiers of nearby property

Issue (i) Character and appearance of the Conservation Area and the Street Scene (Policies BE3 and BE12, NPPF para. 131)

- 7.1 Policy BE12 seeks to ensure that new development preserves or enhances the character or appearance of conservation areas. Whilst it is acknowledged that the proposed fencing and gates would be relatively high, they would be seen in context with the mature trees and shrubs within the site and would be screened by existing trees along the site boundaries. Additionally, the site drops from the east toward the west (The Wells Road) and this along with the fence being set within the site by 6m, would minimise the potential impact. Additional planting would be secured by condition. On balance, it is considered that the fencing would preserve the overall character and appearance of the Conservation Area and would have an acceptable impact on the street scene.

Issue (ii) Impact on the Open Space network (Policy R1)

- 7.2 Although some management of the site would be required in terms of clearing overgrown shrubbery and removing some trees, the site will not be built on (other

than the fencing) and as such the area will still retain its environmental and landscape character.

Issue (iii) Impact on the amenities of the occupiers of nearby property (Policy BE3)

- 7.3 Several properties to the east of the site overlook the site and the adjacent park, as do the properties to the west, on The Wells Road. Although the proposed fencing and gates are high, the nearest dwellings are approximately 22m away on the opposite side of The Wells Road. Those to the residential development to the east are further away, at more than 40m away, and for the reasons already outlined above the fencing, set in the context of the existing trees and further screened by replacement trees, would not have a detrimental impact on the amenities of the occupiers of the nearby residential properties.

Other Matters

- 7.4 Discussions have taken place between the NHS and local councillors, as well as local residents, regarding the desirability of using this piece of land for parking in association with a future community use on the residential development to the east of the site (the Grade II listed chapel). It is noted that the chapel is in a poor state of repair and no planning application has been submitted or approved for its future use. Parking within the residential site is under pressure and a community use would most likely require its own parking. Whilst it is acknowledged that freeing up part of the application site for parking would be desirable, as the application site is under private ownership it would not be reasonable to refuse this application on the grounds that a community use may wish to use the grounds for parking in the future and as such the application can only be determined on the details as submitted.
- 7.5 Concerns have been raised regarding the users of the site and the relationship between it and the children's playground. The application site and the park were formerly part of the Mapperley Hospital, and the health unit has been established for a number of years (approximately 20). The park is a relatively new feature and has been brought into use as part of the conversion of the Mapperley Hospital site for residential purposes. The users of the fenced area will be patients. Some are inpatients at the health facility whilst undergoing treatment. The secure fencing is required as standard by the Home Office and is of a height dictated to the NHS by them. The fencing and the trees along the boundary would provide visual and physical separation of patients from the public, and also the main activity area would be mostly screened from view from the park. The existing fencing is to be retained, giving a further zone between the public and private areas.
- 7.6 An existing access into the site, from The Wells Road, is to be widened. Subject to details secured by condition regarding visibility the access is acceptable and would not be detrimental to highway safety.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 Although some trees and shrubs would need to be removed as part of the development, a detailed landscaping plan to be submitted and agreed should mitigate against some of these losses. The site has not been managed and is overgrown, so the proposed use of the site would have the potential to improve biodiversity on this site, as well as retain the habitat for established flora and fauna.

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

Improve health and wellbeing – Allowing the use of the site as an opportunity for citizens with needs to have access to safe outdoor space and to training and education.

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: 13/02630/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MVIWX0LYCB000>

2. Highway section email dated 11th December 2013, Parks and Leisure, email dated 24th December 2013.

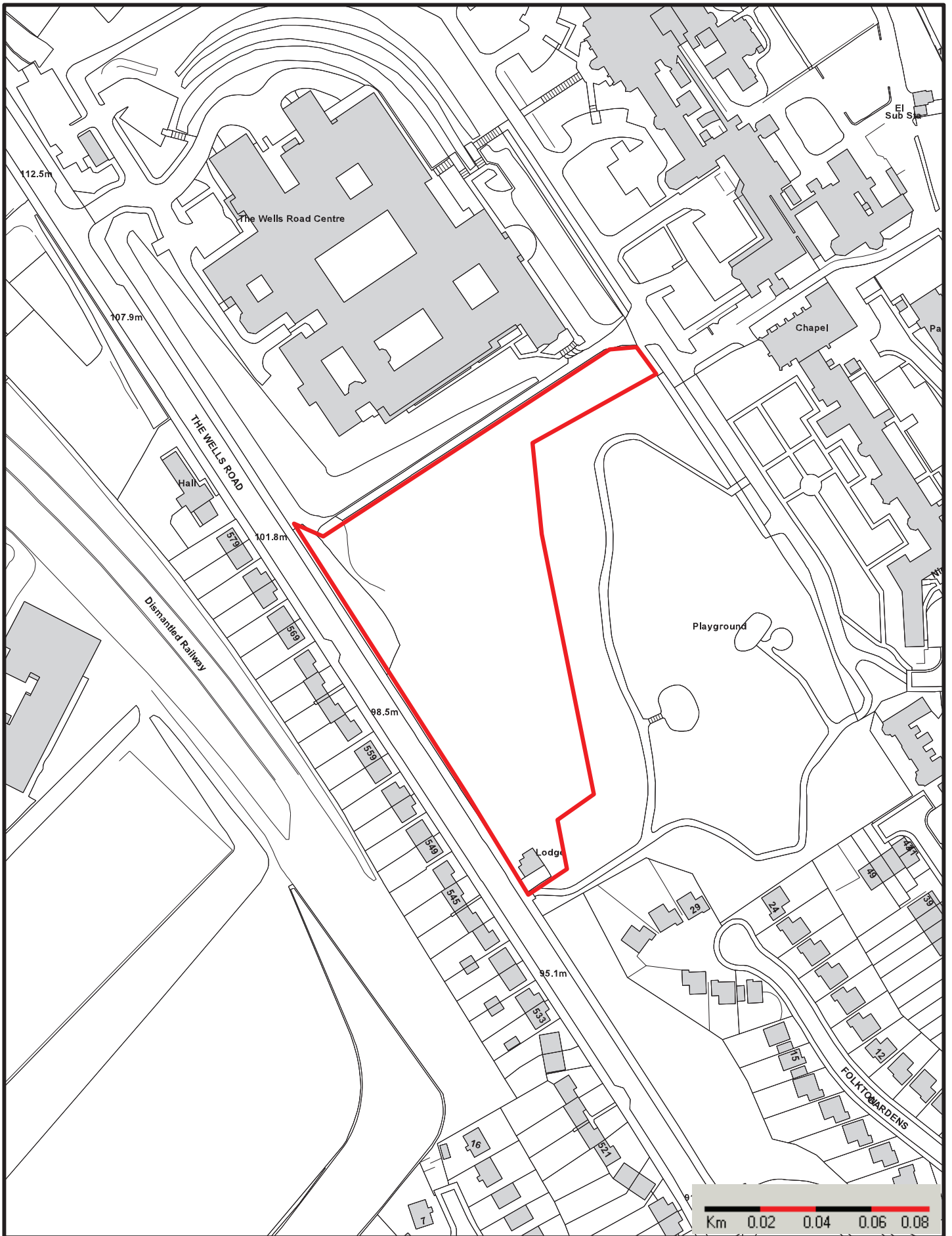
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs S. Davis, Case Officer, Development Management.

Email: sue.davis@nottinghamcity.gov.uk. Telephone: 0115 8764046



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My Ref: 13/02630/PFUL3 (PP-02980508)
Your Ref:
Contact: Mrs S. Davis
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

Hooley Tratt Partnership Ltd
FAO: Mr Dennis Hooley
915 Ecclesall Road
Sheffield
South Yorkshire
S11 8TL

Date of decision:

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

Application No: 13/02630/PFUL3 (PP-02980508)
Application by: Notts Healthcare NHS Trust
Location: The Wells Road Centre , The Wells Road, Nottingham
Proposal: New 4.2m high security fencing and gates and new 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. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, accompanied by a management and maintenance plan, have been submitted to and approved in writing by the Local Planning Authority.

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

3. Notwithstanding the details shown on the approved plan, the development shall not be commenced until details of an access into the area between the existing and proposed fencing, for the purpose of maintenance, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the appearance of the development be satisfactory to comply with



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

DRAFT ¹ ONLY

Not for issue

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Continued...

Policies BE3 and BE12 of the Nottingham Local Plan.

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)

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:
Planning Layout reference 01, received 31 October 2013
Planning Layout reference 02 revision a, received 27 November 2013
Planning Layout reference 03 revision a, received 27 November 2013
Elevations reference 04, received 31 October 2013
Elevations reference 05, received 31 October 2013
Elevations reference 06, received 27 November 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 is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

4. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring. Please contact them on 0115 8765238.

5. 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. All works to the existing public highway will need to be carried out under a Section 278 Agreement. All costs associated with the highway improvements must be borne by the developer. The applicant should contact in the first instance Mrs Liz Hiskens in the Highway Programmes Section on 0115 8765293 to instigate the Section 278 Agreement process. The scheme will go through a full Road Safety Audit as part of the Section 278 and as such minor amendments may occur. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is 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 Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293.

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.

DRAFT³ ONLY

Not for issue

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Continued...

RIGHTS OF APPEAL

Application No: 13/02630/PFUL3 (PP-02980508)

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: Bulwell

Item No:

PLANNING COMMITTEE
22nd January 2014

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site West Of 206 Cinderhill Road, Occupation Road

1 SUMMARY

Application No: 13/01446/POUT for outline planning permission

Application by: CBP Architects on behalf of O'Keeffe Building Services Ltd

Proposal: 99 bed residential care accommodation and day nursery (outline).

The application is brought to Planning Committee because it is a major and complex development due to its location, scale and the nature of uses proposed.

To meet the Council's Performance Targets this application should be determined by 31st January 2014

2 RECOMMENDATIONS

GRANT OUTLINE PLANNING PERMISSION subject to the conditions, substantially in the form 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 Head of Development Management and Regeneration.

3 BACKGROUND

- 3.1 The application relates to a vacant site on the north side of Occupation Road. The site was previously occupied by a series of industrial buildings but following demolition of these buildings, has most recently been used to accommodate the site office of a building contractor and has become overgrown with dense shrubbery.
- 3.2 A number of industrial buildings remain to the west of the site. Beyond these industrial units to the west and to the north of the site, is the Stanton Tip site, which is allocated within the Nottingham Local Plan as a regeneration site. Also to the north of the site is a Biological Site of Importance for Nature Conservation (SINC). The north eastern corner of the application site falls within both the allocated Stanton Tip site and also the Biological SINC. To the east of the site are the rear boundaries of residential properties on Cinderhill Road and Anford Close.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks outline planning permission for a 99 bed residential care facility and a day nursery, which the applicant describes as a 'care village'. The application is for outline planning permission, including the details of layout and access with all other matters reserved. The 99 bed residential care facility would comprise 66 beds for patients requiring 24 hour care, including 26 beds specifically

for residents with dementia and 33 extra care units, which effectively allow the occupants to lead independent lives with the benefit of shared services such as a laundrette and communal gardens.

- 4.2 The proposed residential care facility would be an 'L' shaped building with smaller projecting wings. The main wing running south to north would accommodate the 24 hour care facility and the wing running west to east would provide the extra-care units. The building would be 2.5 to 3 storeys in height and it is anticipated from the indicative 3D visuals that it would have a pitched roof, although appearance (design and architectural detailing) will be approved under the later reserved matters application.
- 4.3 The proposed day nursery would occupy a separate, octagonal shaped, two-storey building at the south western end of the site. The proposed car park, serving both the care facility and the day nursery, would be located in the eastern portion of the site and would provide 56 bays, including 10 disabled and one ambulance bay. Landscaped gardens would be located around the residential care building and would include a bowling green. A designated, secure garden for the nursery would be located at the south east corner of the site.
- 4.4 The site would have a single point of access (with vehicular and pedestrian gates) off Occupation Road.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

25 letters were sent to the following neighbouring addresses;

3-9 Anford Close
4-5 Dursley Close
1-2 Paddock Close
200-206 (evens), Park House Nursing Home, Cinderhill Road
Builders Yard and store rear of 200-206 Cinderhill Road, Workshop to rear of 200-206 Cinderhill Road, Garage 40 rear of 200-206 Cinderhill Road
E L Hurt and Co., J T Gilman Auto Engineers, Peter Smith Valve Co Ltd., Building North west of Main Garage, Garage South East of E L Hurt and Co., O'Keefe Building Services, Occupation Road.

Site notices were posted on 14th November 2013.

A press advertisement was published on 27th November 2013.

Two written representations have been received. The first is from Eastgate care facility (Church Street, Basford) objecting on the following grounds:

- The final scheme is 2.5-3 storeys high with a high pitched roof (compared with the surrounding 2 storey houses and bungalows). This is over intensive and overlooks existing houses and bungalows as well as dominating the skyline;
- The developer appears to be attempting to achieve maximum coverage on the site with little regard for existing neighbours and proposed occupants;
- The proposed uses (care home and day nursery) do not sit well alongside each other. The day nursery will generate heavy traffic and noise in the mornings and at departure times and the children will create noise during

external play;

- There appears to be no need for a care home of this scale in this location, particularly given the proximity of the existing Park House Care Home on the opposite side of Occupation Road;
- The proposals do not give sufficient consideration to design and massing, noise pollution and quality of living environment or the effects upon neighbours. The site is more suited to residential development than a care village.

The second is from the owner of a piece of adjoining land (rear of 206 Cinderhill Road) who is concerned about their right of access.

Additional consultation letters sent to:

Nottinghamshire Wildlife Trust: No objection. Support the recommendations within the Biodiversity Report and those of the Biodiversity Officer (requiring further surveys).

Pollution Control: No objection. Further noise assessments were requested and have been received. Results are considered to be satisfactory. Conditions are recommended requiring submission of further details relating to contamination remediation, noise assessment, sound insulation, ventilation and extraction equipment and renewable energy.

Highways: No objection. Conditions requiring the submission of a construction management plan, travel plan and further details of cycle parking, are recommended. A further condition to secure safe pedestrian access onto the site is also recommended.

Biodiversity Officer: No objection. Revised habitat surveys requested and received. Results are satisfactory to enable consideration of the proposals. However, conditions requiring further habitat surveys and mitigation measures are recommended.

Tree Officer: No objection. Trees on adjoining land need to be given consideration during construction phases. A condition requiring the submission of an Arboricultural Method Statement to address this issue is recommended.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2012):

- 6.1 The NPPF advises that there is a presumption in favour of sustainable development, the deliverance of a strong competitive economy and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to encourage the effective use of land that has been previously developed (brownfield land). Paragraph 17 also seeks to support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient cultural facilities and services for the benefit of local communities.
- 6.2 Paragraph 58 of the NPPF seeks to ensure that developments function well and

add to the overall quality of the area, not just for the short term but over the lifetime of the development, and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. It also states that development should aim to optimise the potential of a site to accommodate development which creates and sustains an appropriate mix of uses.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities

BE2 - Layout and Community Safety

BE3 - Building Design

BE4 - Sustainable Design

BE5 - Landscape Design

CE1 - Community Facilities

E4 - Previously Used Employment Sites

MU9 - Stanton Tip

NE3 - Conservation of Species

NE4 - Biological/Geological SINCS

NE5 – Trees

NE9 – Pollution

T3 - Car, Cycle and Servicing Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development
- (ii) Access and Layout
- (iii) Impact on residential amenity

Issue i) Principle of the development (Policies ST1, E4, CE1, MU9)

- 7.1 The site has previously been used for heavy and light industrial uses, however, these have ceased and the site has been vacant and neglected for a number of years. As such, the viability of further industrial or employment use on this site is questionable. Furthermore, the site directly adjoins the rear boundaries of residential properties to the east and as such, the proposed use, which would be less noise intensive than an industrial or wholly employment use, is considered to be an appropriate form of alternative development on this site. Conditions requiring ground contamination investigations and remediation are recommended.

- 7.2 The proposal would create in the region of 65-70 jobs and as such, although not a conventional employment use, would constitute sustainable development and re-generate jobs within the city. In view of the above, it is considered that the proposal would comply with policies ST1 c) and E4 of the Local Plan. A memorandum of understanding, which sets out the applicant's commitment to Employment and Training opportunities in relation to both the construction and operational phases of the development, has been agreed.
- 7.3 A small portion of the application site falls within the Stanton Tip regeneration site. The Local Plan identifies this site for redevelopment for open space, residential and employment uses. Being located on the periphery of this relatively large regeneration site, it is not considered that the proposed development would compromise the comprehensive redevelopment of the Stanton Tip site in the future and would in fact, create an appropriate buffer between existing residential properties to the south and east of the site and any future development on the wider Stanton Tip site. The proposal would therefore comply with policy MU9 of the Local Plan.
- 7.4 The proposal would create a multi function care facility on the edge of an established community and would provide a mix of accommodation appropriate for disabled people and others, enabling them to stay within their community. It would be safely and easily accessible by a choice of means of transport, including well served public transport links.
- 7.5 The proposed combination of care for the elderly and infants is not common but the uses are considered to be compatible within a mixed used scheme and compatible with adjoining and nearby properties. In view of the above, it is considered that the proposal would comply with policy ST1 a), b) and d) and CE1a), b) and c) of the Local Plan.

Issue ii) Access and Layout (Policies BE2, BE3, BE5, CE1 d), NE5 and T3)

- 7.6 The proposed care village would be accessed via the existing vehicular access to the site on Occupation Road. The application has been accompanied by a Transport Assessment which demonstrates that the proposal would not result in significant congestion or increased traffic congestion. This is supported by the fact that the site is within walking distance of a well served local and city wide bus routes and the Cinderhill Tram stop. Conditions requiring the submission and implementation of a Travel Plan are recommended.
- 7.7 Occupation Road is not currently adopted and does not provide any pedestrian footway leading up to the site. However, the applicant has purchased some of the land on Occupation Road which will allow a footway immediately to the front of the site to be formed. This would bring this section of Occupation Road up to adoptable standards and it is therefore likely to be offered to the highway Authority for formal adoption. A condition requiring the footway to be constructed to adoptable standards, prior to the occupation of any buildings, is recommended. Separate pedestrian and vehicular access gates are proposed and a designated pedestrian route is to be delineated within the site.
- 7.8 The nature of accommodation to be provided is such that levels of car ownership are likely to be low. Taking account of this, in addition to the anticipated staffing levels for each of the uses within the scheme, the proposed parking provision of 56 bays is considered to be acceptable and has been justified within the submitted

Transport Assessment. The ratio of disabled parking spaces is acceptable and is appropriate for the nature of the development. Further details of cycle and motorcycle parking as well as a comprehensive Travel Plan would be required by condition. In view of the above and subject to the recommended conditions, the proposals would comply with policies BE2, CE1d) and T3 of the Local Plan.

- 7.9 Concerns have been raised by a third party in relation to the potentially overbearing impact upon existing residential properties adjoining the site. However, the position of the proposed buildings within the site is considered to be appropriate. Details of the design evolution process have been provided within the Design and Access Statement to demonstrate how the applicants arrived at the final scheme. Consideration has been given to the massing in relation to adjacent residential properties and to the proximity to adjacent industrial uses, reducing heights and increasing separation where necessary, in order to minimise any potential negative impacts upon neighbours residential occupiers and future occupiers of the development.
- 7.10 The position of the buildings within the site would be such that they would have minimal street presence on Occupation Road. However, there is little opportunity to do this due to the shape and position of the site. The current proposals would contain the development within the site and minimise the visual impacts of a 2.5 -3 storey building upon the wider area. The proposals indicate that the front site boundary would be enclosed and screened by planting. Details of the means of enclosure are to be requested by condition.
- 7.11 The proposed internal layout of the care facility, with a wing for 24 hour care and a wing for extra care would seem appropriate and all bedrooms have adequate access to the natural light and sufficient outlook. The proposed nursery would adopt a relatively contemporary design and the layout is not conventional, but that is not to say it would not work. An appropriate level of external play area would be provided. In view of the above, it is considered that the proposals would comply with policy BE3 a) and f) of the Local Plan.
- 7.12 The plans show a degree of indicative landscaping and this is sufficient to demonstrate that there will be an appropriate level of external amenity space for future occupiers. However, a condition requiring the submission of a comprehensive landscaping scheme is recommended. A condition requiring the submission of an Arboricultural Method Statement which demonstrates that the development will not impact upon trees within adjoining land, is also recommended. Subject to this condition, the proposals would comply with policies BE5 and NE5 of the Local Plan.

Issue iii) Impact on Residential amenity (Policies BE3, CE1, NE9)

- 7.13 The application site adjoins the rear boundaries of residential properties on Cinderhill Road and Anford Close. The proposed location and massing of the buildings and the proposed site layout has taken account of this relationship and it is not considered that any significant impact upon the amenities of the occupiers of existing residential properties, through loss of light or overbearing impact, would result.
- 7.14 The site is adjacent to industrial uses to the west of the site that will remain, with the potential to generate noise and disturbance. However, following pre-application discussions with officers, the building has been significantly reduced in scale

allowing it to be set in from the western boundary to create sufficient separation distance between the new buildings and the established industrial uses. Furthermore, extensive noise assessments have been carried out which demonstrate that the impacts of noise from the adjoining industrial uses would not be significant and can be mitigated through the use of an appropriate sound insulation scheme. Conditions requiring submission of relevant details are recommended.

- 7.15 The proposed use is likely to be far less noise intensive than previous industrial uses and as such is considered to be appropriate in terms of its proximity to residential properties. Concerns have been raised by an objector in relation to the potential noise from the proposed nursery. However, the proposed nursery is to be located to the west side of the site, away from the boundaries with residential properties to the east. The nursery would be set well within the site and proposed landscaping along the front boundary would reduce the impacts of any noise for occupiers of residential properties to the south of the site (on the opposite side of Occupation Road). Conditions requiring additional Noise assessments and sound insulation schemes are recommended. As the proposal provides adequate on site parking provision and is considered to be in a sustainable location with regard to its proximity to public transport links, it is not considered that any significant detrimental impacts upon parking would result, in the circumstances it is unlikely that the proposal would impact negatively upon the living conditions of nearby residents. In view of this, it is considered that the proposal would comply with policies BE3b), NE9 and CE1e) of the Local Plan.
- 7.16 Concern has been raised by an adjoining land owner in relation to the right of access over their land. Whilst this is not a material planning consideration, it is noted that the proposals do not appear to prevent any right of access onto adjoining land.

8. SUSTAINABILITY / BIODIVERSITY (policies NE3, NE4 and BE4)

- 8.1 The application is accompanied by an Energy statement which identifies viable options for the use of renewable technologies within the development. A condition requiring the submission of a further Energy Statement, demonstrating how the development will achieve a 10% reduction in Carbon emissions, is recommended.
- 8.2 A drainage strategy has been submitted at the request of Drainage engineers. A condition requiring further details of proposals for surface water drainage, to include the use of Sustainable Drainage Systems, is recommended.
- 8.3 A small portion of the site at the north eastern corner falls within a biological Site of Importance for Nature Conservation and the northern boundary of the site, borders the remainder of this SINC. This has called for extensive survey work to establish the presence of protected species in and around the site. The submitted surveys have eliminated the possibility of certain species but have identified potential for certain amphibians and reptiles to be present on the site. However, it is not considered that even in the event that these species are discovered within the site, that this would significantly compromise the overall development of the site. Conditions requiring further survey work and necessary mitigation measures in relation to this, are recommended.

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

Improve health and wellbeing – Providing a modern care facility for elderly residents with varying degrees of needs within a safe environment.

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: 13/01446/POUT - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MOA6VNLYCB000>
2. Letter of objection from JW Day (Eastgate Care) dated 2.12.13
3. Email from Mr M. Smith dated 6.1.14
4. Email from Nottinghamshire Wildlife Trust dated 9.12.13
5. Highways comments dated 22.11.13, 18.12.13 and 8.1.14.
6. Biodiversity Officer comments dated 25.11.13 and 17.12.13
7. Drainage Engineer comments dated 19.12.13
8. Pollution Control comments dated 27.11.13 (x 2 emails) and 19.12.13
9. Tree Officer comments dated 18.11.13

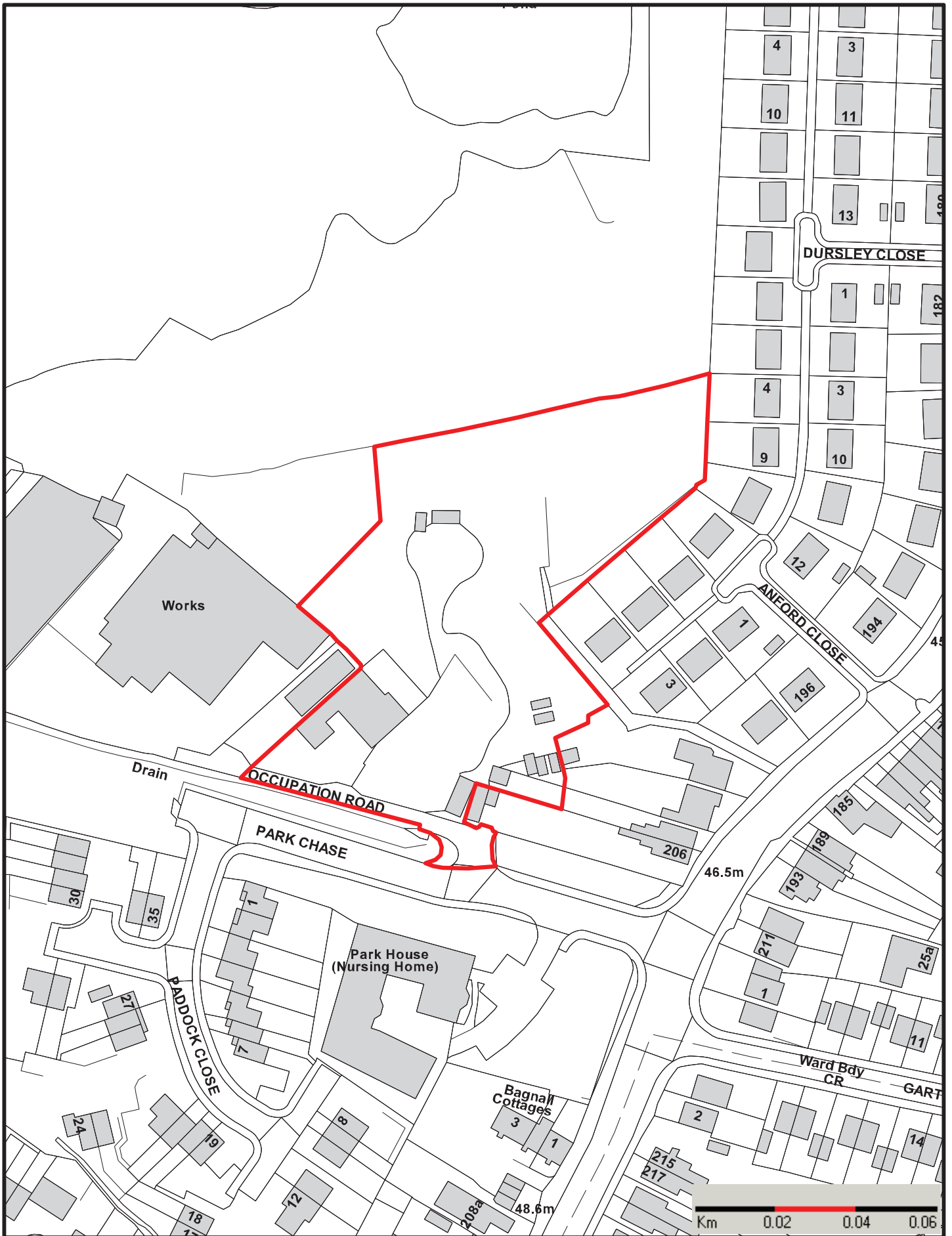
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.

Email: zoe.kyle@nottinghamcity.gov.uk. Telephone: 0115 8764059



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My Ref: 13/01446/POUT (PP-02701612)
Your Ref:
Contact: Mrs Zoe Kyle
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

CBP Architects
Mr Simon Birch
44 The Ropewalk
Nottingham
NG1 5DW

Date of decision:

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

Application No: 13/01446/POUT (PP-02701612)
Application by: O'Keeffe Building Servies Ltd
Location: Site West Of 206 Cinderhill Road, Occupation Road, Nottingham
Proposal: 99 bed residential care accommodation and day nursery (outline).

Nottingham City Council as Local Planning Authority hereby **GRANTS OUTLINE PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. Approval of the details of the appearance and scale of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for the approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with Section 92 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)

3. The development hereby permitted shall not be begun until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, has been submitted to and approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from gas contamination at the site.
 - b) A Site Investigation Scheme, based on the Preliminary Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the Site Investigation and the Detailed Risk Assessment referred to in the Site Investigation Scheme and, based on these, an options appraisal and Remediation Strategy giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy are complete.

Any changes to these components require the express written approval of the Local Planning Authority.

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

4. The development hereby permitted shall not be begun until details of the sound insulation scheme for the development and a noise impact assessment of the proposed plant and equipment has been submitted to and approved in writing by the Local Planning Authority. The scheme and noise impact assessment shall have regard to report reference dBC/AA/683/JB/001 by dB Consultation Ltd dated 11/12/2013.

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

5. The development hereby permitted shall not be begun until details of any mechanical ventilation equipment and means of discharging fumes from any kitchen(s) within the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To safeguard the amenities of occupiers of adjacent properties and future occupiers of the development in accordance with Policy NE9 of the Local Plan.

6. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing as part of the reserved matters submissions required by Condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the sustainable development of the site, in accordance with Policy BE4 of the Nottingham Local Plan.

7. Notwithstanding the submitted details, the development shall not be begun until a survey or surveys to establish the presence or absence of protected species, including (but not limited to) Great Crested Newts and other amphibians, reptiles and bats, has been submitted to and agreed in writing with the Local Planning Authority.

Where the survey(s) indicate that protected species are, or are likely to be, present, the development shall not be begun until a scheme of mitigation measures, to include measures for their protection during construction, details of any habitat replacement to be incorporated into the development, a timetable for implementation, and subsequent habitat management arrangements has been submitted to and agreed in writing with the Local Planning Authority.

The development shall thereafter be carried out in accordance with the details of the agreed mitigation scheme.

Reason: In the interests of nature conservation in accordance with Policies NE3 and NE4 of the Local Plan.

8. Notwithstanding the submitted details, the development hereby permitted shall not be begun until a scheme for ecological enhancements within the site, in line with the recommendations within the amended Habitat and Protected Species Walkover Survey dated 21.11.13, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of appropriately located bird and/or bat bricks and boxes and details of how the bird boxes would be cleaned out after use in the winter months.

Reason: In the interests of nature conservation in accordance with Policies NE3 and NE4 of the Local Plan.

9. Notwithstanding the submitted details, the development hereby permitted shall not be begun until a method statement for preventing pollution of the nearby pond and onsite ditches, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation in accordance with Policies NE3 and NE4 of the Local Plan.

10. Notwithstanding the submitted details, the development hereby permitted shall not be begun until details of the means of enclosure of the site have 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 BE3 of the Local Plan.



11. Notwithstanding the details contained within the submitted drainage strategy, the development hereby permitted shall not be begun until details of surface water drainage proposals, to include the provision of Sustainable Drainage Systems, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development in accordance with Policy BE4 of the Local Plan.

12. The development hereby permitted shall not be begun until a detailed landscaping and planting scheme, for the development indicating the type, height, species and location of 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 Policies BE3 and BE5 of the Local Plan.

13. The development hereby permitted shall not be begun until an Arboricultural Method Statement relating to the protection of trees on adjoining land, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the trees to be retained on adjoining land in accordance with Policy NE5 of the Local Plan.

14. The development hereby permitted shall not be commenced until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including sub contractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in strict accordance with the approved details and timetable unless otherwise 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)

15. No part of the development hereby permitted shall be brought into use until a Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed, has been submitted to and approved in writing by the Local Planning Authority.

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

16. No part of the development hereby permitted shall be brought into use until the sound insulation measures detailed in the scheme approved pursuant to condition 4 have been put in place.

Reason: To protect the amenities of occupiers of nearby properties and future occupiers of the development in accordance with Policy NE9 of the Local Plan.



17. No kitchen shall be brought into use until the extraction/ventilation measures approved pursuant to condition 5 have been put in place.

Reason: To protect the amenities of occupiers of nearby properties and future occupiers of the development in accordance with Policy NE9 of the Local Plan.

18. No part of the development hereby permitted shall be brought into use until contact details for the Travel Plan Coordinator have been provided to the Local Planning Authority. Thereafter any changes to the details shall be reported to the Local Planning Authority.

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

19. No building hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 15 metres behind the southern boundary in accordance with approved plan reference [cbp architects 4282 (20) 202 rev E].

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to reduce the possibility of deleterious material being deposited on the public highway in accordance with Policies BE2 and T3 of the Local Plan.

20. No building hereby permitted shall be brought into use until a 2m footway, constructed to adoptable standards, has been provided on Occupation Road as shown on plan (cbp architects 4282 (20) 202 rev E).

Reason: In the interests of pedestrian safety in accordance with Policies BE2 and T3 of the Local Plan.

21. No building hereby permitted shall be brought into use until the parking, turning and servicing areas are provided in accordance with the approved plan (cbp architects 4282 (20) 202 rev E). The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, to enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety in accordance with Policies BE2 and T3 of the Local Plan.

22. No building hereby permitted shall be brought into use until provision has been made within the application site for parking of 20 cycles and 2 powered two wheelers in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The parking provision shall be covered and that area shall not thereafter be used for any purpose other than the parking of cycles and powered two wheelers.

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

Regulatory/ongoing conditions
(Conditions relating to the subsequent use of the development and other regulatory matters)

23. No later than 5 months after the first occupation of the development, a revised Travel Plan shall be submitted to the Local Planning Authority. This shall include the results of a full staff and resident travel survey which shall be carried out no later than 3 months post occupation and annually thereafter for a minimum of 5 years. All measures contained within the revised Travel Plan shall be implemented at all times.

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

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

Reason: To ensure that the appearance of the development is satisfactory, in accordance with Policies BE3 and 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 4282(20)202 revision E, received 8 January 2014
Drawing reference 4282(30)301 revision A, received 5 November 2013
Drawing reference 4282(30)302 revision A, received 5 November 2013
Drawing reference 4282(50)501-518 revision A, received 18 November 2013

Reason: To determine the scope of this permission.

Informatives

1. 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.

2. The Remediation Strategy (including its component elements) must be undertaken and implemented by competent persons and must be conducted in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

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 required 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 shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.



DRAFT ONLY

Not for issue

Continued...

The applicant is advised to contact Pollution Control to discuss measures to ensure that no construction work, landscaping or other activity will compromise the remediation measures implemented to deal with ground gas contamination of the site. Please contact Mr Joe McElhinney on 0115 8761453.

3. The site is in Radon Class 3 and as such between 3% & 5% of buildings have radon levels above the action level of 200 Bq m⁻³. Therefore basic radon protective measures are required under building regulations in any new construction consisting of a well-installed damp-proof membrane, modified and extended to the outer layer of construction to form a radon-proof barrier across the ground floor of the building (Radon: Guidance on Protective Measures for New Buildings BRE 211 (2007) & Approved Document C). The applicant is advised to discuss the outcome of any ground gas monitoring before deciding on the appropriate precautions to deal with radon on site.

4. The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having 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.

5. The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

It is the duty of the applicant to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

It is strongly recommended that the ventilation system is designed, installed and maintained by a competent ventilation engineer.

It is strongly recommended that the ventilation system includes the following:-

- i. A canopy of adequate size, sited over the cooking appliances,
- ii. Washable or disposable grease filters. Additional odour-reducing filters will be needed in some circumstances.
- iii. A fan of adequate capacity capable of achieving a minimum of 40 air changes per hour in the kitchen area, connected to a variable fan speed control switch is provided
- iv. Ducting to convey cooking fumes and steam to a suitable point for adequate dispersal into the atmosphere. A cap and or cowl at the point of discharge should therefore not be provided.
- v. Permanent make up air facilities which are fitted with back-draught shutters, are insect proof and are sited to ensure efficient circulation of air into the kitchen
- vi. The ventilation system must be maintained by a competent ventilation engineer, to include regular cleaning or changing of any filters and sufficient access points to enable periodic cleaning of the system are provided.

The onus for ensuring that the system does not cause odour nuisance rests with the applicant. If the system is found to be causing an odour nuisance at any point, then this department will require suitable modification works to be carried out and an abatement notice may be served.

6. For advice on Travel Plans please contact Matthew Price on 0115 876 3947 or by email at matthew.price@nottinghamcity.gov.uk

7. The Drainage Section advise that further investigative work would be highly recommended in designing the surface water drainage proposals. The applicant is welcome to contact Nick Raycraft on 0115 876 5279 or by email at nick.raycraft@nottinghamcity.gov.uk for advice

8. Prior to any works commencing on site the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring. Please contact them on 0115 8765238. It is also an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring

9. 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. All works to the existing public highway will need to be carried out under a Section 278 Agreement. All costs associated with the highway improvements must be borne by the developer. The applicant should contact in the first instance Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293 to instigate the Section 278 Agreement process. The scheme will go through a full Road Safety Audit as part of the Section 278 and as such minor amendments may occur

10. The developer should contact the Highway Authority as early as possible with regard to the issuing of a Section 37 agreement under the Highways Act 1980 in relation to the streetworks (2 metre pedestrian footway along the eastern edge and carriageway immediately in front of the site boundary brought up to adoptable standards) on Occupation Road. Please contact Mr Chris Capewell on 0115 876 5277 or Mrs Liz Hiskens on 0115 876 5293. All costs associated with the improvements must be borne by the developer.

11. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at www.leics.gov.uk/htd.

12. 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: 13/01446/POUT (PP-02701612)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



Safer, cleaner, ambitious
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Not for issue

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WARDS AFFECTED: Sherwood

Item No:

PLANNING COMMITTEE
22nd January 2014

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Former Industrial Site to West of Car Park Oak Street

1 SUMMARY

Application No: 13/02143/PFUL3 for planning permission

Application by: Henry Mein Partnership on behalf of J S Associates

Proposal: 5 new dwellings following demolition of existing buildings.

The application is brought to Planning Committee as the application is considered to be sensitive given the level of public interest.

To meet the Council's Performance Targets this application should have been determined by 16th January 2014

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions substantially in the form 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 Head of Development Management and Regeneration.

3 BACKGROUND

3.1 The application site currently houses a collection of buildings arranged in a U formation in an enclosed location. The buildings are now vacant but were last in use as offices/light industry.

3.2 Access to the site from the public highway is dealt with at paragraph 7.3 below.

3.3 The site comprises land that is to the east of Wesley Grove, which consists of two facing terraces separated by a pedestrian access. 17 Wesley Grove is attached to the west building within the application site. To the north of the site and adjoining the northeast corner of the site there is an end of terrace property which has commercial outbuildings to the rear. To the north of the site are the residential properties of Sherbrooke Terrace, the rear gardens of which form the northern boundary of the site. The rear elevations of this terrace, and of 34 Sherbrooke Road, face the site. Wesley Grove, which consists of two facing terraces separated by a pedestrian access, is to the west of the site. To the south of the site is a new recently completed care home, Acorn House, on the site of the former Laird House.

4 DETAILS OF THE PROPOSAL

4.1 Erection of 5 three storey dwellings, in the form of a pair of semi-detached dwellings and a terrace of 3. They would be located to the north of the site, with front

elevations facing south. Each would have three bedrooms, with accommodation in the roof served by a dormer window in the front elevation. Car parking would be in a shared area to the front of the dwellings, accessed from the right of way linking to the public highway onto Oak Street.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

17 Wesley Grove
Builders yard rear of 21, 21a, and 21b, Loscoe Road
9, 11, Stag Knitwear, Laird Paper, and unit 3 adjacent 21, Oak Street
34 and 34a Sherbrooke Road
1, 2, 3 and 4 Sherbrooke Terrace

A site notice was posted on 24.10.13.

Two responses have been received in response to consultation, expressing concern about noise during construction (following on from the construction of Acorn House) and to boundary treatments following demolition of the building adjacent to 17 Wesley Terrace, which the objector feels would be on their land, (this has been checked and the drawings show that the fence will be within the application site, in the same position as the side wall of the demolished building) and objecting to the proposal unless historical warehouse retained and converted to dwellings. The proposal would also increase traffic on Oak Street and Jenner Street.

Comments have also been received from nearby residents as a result of Councillor consultation (16 letters). Issues raised include request to rent one of the dwellings once built, access behind properties on Loscoe Road being used as a toilet and dumping ground (these properties are not directly adjacent to the application site), noise from children using the road as a play park, parking problems, protection of children from harm and public nuisance (no explanation given), tenants need to be vetted since they will be near a school and care home, noise from tenants at night, loss of trees (note: there are no trees within the site), overdevelopment as new care home built adjacent. Five of the letters were not against the development, and two were but no reasons or concerns were given. Only two of the respondents directly faced or abutted the site.

Aside from issues relating to parking, noise, retention of buildings and trees, the majority of the concerns above are not planning matters that can be addressed as part of the application.

Additional consultation letters sent to:

Pollution Control: Recommend conditions relating to ground contamination and removal of asbestos buildings.

Highways: No objection subject to satisfactory access across the adjoining land, including a lit footway, being provided across the adjoining land prior to link the site to the public highway.

Others: Tree Officer comments that although there are three trees on the adjacent land, they would not be at risk from the development within the site.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

The National Planning Policy Framework (NPPF) (Paragraph 50) seeks to widen opportunities for home ownership, create sustainable, inclusive and mixed communities, and provide an appropriate range of housing to meet needs.

Paragraph 56 of the NPPF emphasises the importance of good design as a key aspect of sustainable development, being indivisible from good planning, and contributing positively to making places better for people.

Paragraph 58 of the NPPF seeks to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities

H2 - Density

BE2 - Layout and Community Safety

BE3 - Building Design

T3 - Car, Cycle and Servicing Parking

NE9 - Pollution

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development, including housing density
- ii) Access and Layout
- iii) Building design
- iv) Impact on neighbours

Issue i) Principle of Development and Housing Density (Policies ST1 and H2)

- 7.1 Although the application site is not identified as having a specific allocation in the Local Plan, it is surrounded by housing to the north, west and east, and along with the recently completed care home to the south, the principle of residential development on this site is considered to be acceptable.
- 7.2 The type of accommodation on offer, three bedroom family housing, and the amount of development, would satisfy the criteria of policies ST1 and H2 in that it would contribute to maintaining and enhancing a sustainable community. The dwellings have an acceptable standard of living accommodation, and are within short distance of a well served public transport route and to facilities such as

primary schools, shops and health facilities. The density of development is compatible with the characteristics of the surrounding area, where terraced housing is predominant.

Issue ii) Access and Layout (Policies BE2, T3 and NPPF para 58)

- 7.3 The public highway from which access to the site is gained is Oak Street, which is a continuation of Loscoe Road to the North and Jenner Street to the South. Access to the site is by virtue of a private right of way across the Council owned land between the site and Oak Street. A partial right of way was granted by the City Council in a deed in 1980. The remaining right of way has been established by 20 years continuous uninterrupted use. The City Council has no objection to formalising this remaining right of way by entering into a further deed. However it is considered that a number of minor improvements are necessary to provide satisfactory vehicle and pedestrian access to the new dwellings, including a 2m wide continuous footpath to the development from the public highway, surfacing improvements and lighting across the car park. As these improvements and the grant of a further deed concern land outside the control of the applicant it is proposed to secure these by 'Grampian' style condition. The Grampian style conditions can be complied with within a reasonable period.
- 7.4 A total of five parking spaces are to be provided in a parking area to the front of the houses. Whilst in-curtilage car parking is usually preferable, the proposed layout allows for a built form that follows the terraced pattern of surrounding development and is considered to be appropriate in this location. Improvements to the layout have been negotiated, to allocate part of the front of the site to be the front garden of Plot 1 and introduce additional landscaping, to soften the appearance of the development.

Issue iii) Building Design (Policy BE3 and NPPF para 56)

- 7.5 The dwellings would be built of traditional materials i.e. brick and tile, although the front elevations would also have areas of render and Cedar boarding to the cantilevered bay windows. In this respect the development would have its own identity complementing the existing housing stock which is predominately Victorian terracing. The dwellings all have habitable room windows facing onto the street, which would help to promote casual surveillance of the site, enhancing community safety, crime prevention and street activity.
- 7.6 Bin storage to each dwelling would be to the rear gardens. A bin collection area would be provided adjacent to the access into the site in order that refuse collection vehicles can access the bins without having to enter or turn within the site.

Issue iv) Impact on Neighbours (Policy BE3)

- 7.7 The layout of the development means that the dwellings would roughly follow the building line of the terrace on Wesley Grove, to the west. The proposed dwellings would provide separation distances with existing neighbouring properties that are compatible with those generally found in the surrounding area. As such, it is considered that the development will have an acceptable impact on neighbours in terms of outlook, privacy and daylight.
- 7.8 1.8m close boarded timber fencing is proposed to enclose the rear gardens and would provide a secure boundary to the adjoining residential properties.

Other matters (Policy NE9)

- 7.9 Concerns have been raised regarding the potential for noise nuisance during the construction of the development.
- 7.10 A concern has been raised regarding the loss of the historic buildings. The buildings are not listed and are not considered to be of any particular architectural merit.

8. SUSTAINABILITY / BIODIVERSITY

The site is currently fully hard surfaced where not covered by buildings. The proposed development would allow for landscaping to be introduced, which would contribute to enhancing biodiversity in the area, and a sustainable drainage scheme is to be secured by condition.

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 development would provide a 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: 13/02143/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MSNFZYLYCB000>

2. Noise and Pollution Control email dated 31st October 2013

3. Highways comments email dated 3rd January 2014

17 Published documents referred to in compiling this report

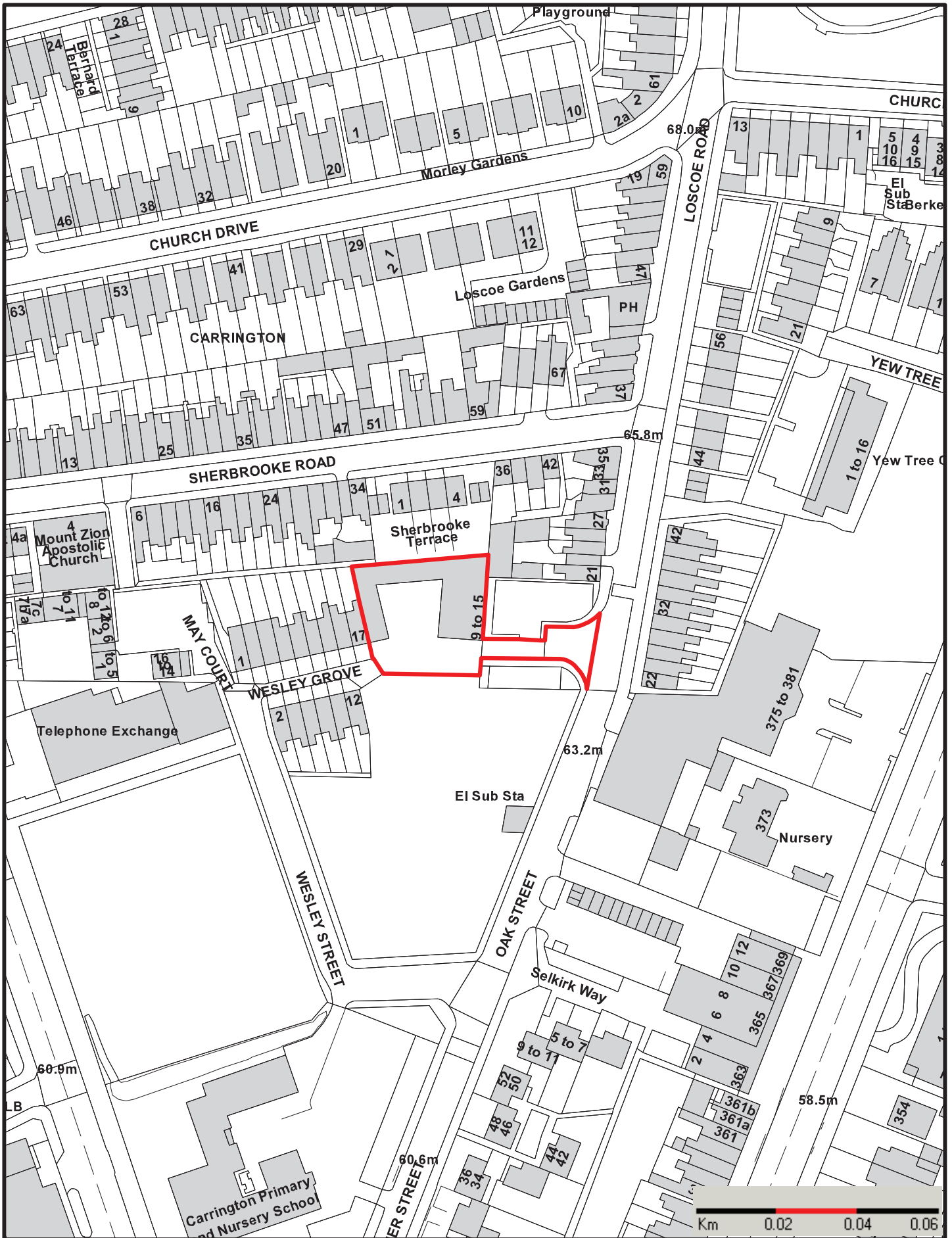
Nottingham Local Plan (November 2005)

National Planning Policy Framework

Contact Officer:

Mrs S. Davis, Case Officer, Development Management.

Email: sue.davis@nottinghamcity.gov.uk. Telephone: 0115 8764046



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My Ref: 13/02143/PFUL3 (PP-02607520)
Your Ref:
Contact: Mrs S. Davis
Email: development.management@nottinghamcity.gov.uk



Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Henry Mein Partnership
FAO: Mr James Bird
12 Clarendon Street
Nottingham
NG1 5HQ

Date of decision:

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

Application No: 13/02143/PFUL3 (PP-02607520)
Application by: J S Associates
Location: Former Industrial Site To West Of Car Park, Oak Street, Carrington
Proposal: 5 new dwellings following demolition of existing buildings.

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 have been submitted to and approved in writing by the Local Planning Authority.

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

3. The development shall not be commenced until details of all areas of the site to be hard landscaped, including the proposed parking areas and access road, have been submitted to and approved in writing by the Local Planning Authority. The proposed hard surfaces shall be of permeable design.

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

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

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

5. The development hereby permitted shall not be begun until details of arrangements for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The details shall incorporate sustainable drainage measures designed to minimise surface water run off to the public sewer.

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

6. 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 have been submitted to and approved in writing by the Local Planning Authority. In particular 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: To ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers to comply with Policy NE12 of the Nottingham Local Plan.

7. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the LPA. The approved statement shall be adhered to throughout the construction period and shall provide for:
- a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) Wheel washing facilities.
 - e) Measures to control the emission of dust and dirt during construction.

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

<p>Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)</p>
<p>8. The dwellings hereby permitted shall not be occupied until the access road serving the site has been improved through the construction of a 2m wide public footpath of tarmacadam or similar hard surface, to adoptable standards, from the boundary of the existing industrial premises to the public highway in Oak Street, and the provision of lighting to the access road.</p> <p><i>Reason: In the interests of highway safety in accordance with Policy BE2 of the Nottingham Local Plan.</i></p>
<p>9. The dwellings shall not be occupied until the car parking and servicing areas have been completed.</p> <p><i>Reason: In the interests of highway safety to comply with Policy BE2 of the Nottingham Local Plan.</i></p>
<p>10. The dwellings shall not be occupied until the boundary enclosures have been erected in accordance with the details approved by the Local Planning Authority.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.</i></p>
<p>11. The dwellings shall not be occupied until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.</p> <p><i>Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.</i></p>
<p>12. No dwelling 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.</p> <p><i>Reason: In the interests of public health and safety to comply with Policy NE12 of the Nottingham Local Plan.</i></p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>
<p>13. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.</i></p>
<p>Standard condition- scope of permission</p>
<p>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</p>

documents comprising the application as validated by the council on 21 November 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 officer's delegated 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.

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: 13/02143/PFUL3 (PP-02607520)

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.