



**NOTTINGHAM CITY COUNCIL**  
**PLANNING COMMITTEE**

**Date:** Wednesday, 19 March 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**

**3 - 14**

Last meeting held on 19 February 2013 (for confirmation)

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

**a RADFORD BRIDGE ALLOTMENTS, RUSSELL DRIVE**  
Report of Head of Development Management and Regeneration

**15 - 48**

**b SYCAMORE INN, 42 HUNGERHILL ROAD**

**49 - 62**

Report of Head of Development Management and Regeneration

**c LEENGATE BUILDING, LEEN GATE**

**63 - 82**

Report of Head of Development Management and Regeneration

**5 THE CHAPEL AND THEATRE AT MAPPERLEY HOSPITAL,  
PORCHESTER ROAD**

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

**NOTTINGHAM CITY COUNCIL**

**PLANNING COMMITTEE**

**MINUTES of the meeting held at the Council House on 19 FEBRUARY 2014  
from 2.35 pm to 4.45 pm**

- |                            |                                 |
|----------------------------|---------------------------------|
| Councillor Chris Gibson    | (Chair)                         |
| Councillor Gul Khan        | (Vice-Chair)                    |
| Councillor Liaqat Ali      | (minutes 82 to 88)              |
| Councillor Cat Arnold      | (minutes 82 to 87)              |
| Councillor Graham Chapman  |                                 |
| Councillor Azad Choudhry   |                                 |
| Councillor Alan Clark      |                                 |
| Councillor Emma Dewinton   | (minutes 82 to 86)              |
| Councillor Michael Edwards | (minutes 82 to 87 and 89 to 90) |
| Councillor Ginny Klein     |                                 |
| Councillor Sally Longford  | (minutes 82 to 85 and 87 to 90) |
| Councillor Ian Malcolm     |                                 |
| Councillor Eileen Morley   | (minutes 82 to 86)              |
| Councillor Roger Steel     |                                 |
| Councillor Malcolm Wood    |                                 |

- indicates present at meeting

**City Council colleagues**

- |               |   |   |             |
|---------------|---|---|-------------|
| Paul Seddon   | - Head of Development Management and Regeneration | ) |             |
| Rob Percival  | - Area Planning Manager                           | ) |             |
| Martin Poole  | - Area Planning Manager                           | ) |             |
| Nigel Turpin  | - Heritage and Urban Design Manager               | ) | Development |
| Andy Gibbon   | - Head of Public Transport                        | ) |             |
| Steve Hunt    | - Head of Traffic and Safety                      | ) |             |
| Lisa Guest    | - Traffic and Safety                              | ) |             |
| David Jones   | - Senior Transport Planner                        | ) |             |
| Karen Mutton  | - Team Leader, Legal and Constitutional Services  | ) | Resources   |
| Martin Parker | - Constitutional Services Officer                 | ) |             |

**82 APOLOGIES FOR ABSENCE**

- |                           |                               |
|---------------------------|-------------------------------|
| Councillor Graham Chapman | ) Other City Council business |
| Councillor Ginny Klein    | )                             |

## **83 DECLARATIONS OF INTERESTS**

### **(i) Agenda Item 4(a) - Planning Application Victoria Centre, Milton Street (Minute 85)**

Councillors Alan Clark and Mike Edwards declared personal interests in the item as City Council appointed directors of EnviroEnergy Ltd.

Councillor Chris Gibson also declared a personal interest in the item as a City Council appointed Director of Nottingham City Transport, who had submitted late objections to the proposal.

Councillors Gibson, Clark and Edwards were satisfied that their interests did not prevent them from speaking or voting on the item.

### **(ii) Agenda Item 4(b) - Planning Application new College Nottingham, Stockhill Lane (minute 86)**

Councillor Sally Longford declared disclosable pecuniary interest in the item as an employee of the applicant organisation, and withdrew from the meeting during determination of the application.

### **(iii) Agenda Item 4 (c) – Planning Application Trent Basin and Land to East of Trent Lane, Trent Lane (minute 88)**

Councillor Clark declared a personal interest in the item is a City Council appointed director of Nottingham Regeneration Limited, mentioned in the report as having commented on the application, which did not prevent him from speaking or voting on the item.

Councillor Edwards declared a personal interest in the item as a representative of the applicant had worked with him during his election campaign. Councillor Edwards withdrew from the meeting during determination of the application.

## **84 MINUTES**

The Committee confirmed the minutes of the meeting held on 22 January 2014 as a correct record and they were signed by the chair.

## **85 VICTORIA CENTRE, MILTON STREET**

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 11/01859/PFUL3 submitted by Nathaniel Lichfield and Partners on behalf of INTU Properties plc for planning permission to demolish the existing multi-storey car park, the northern part of the existing Victoria Centre, York House (Mansfield Road), Base 51 (51 Glasshouse Street) and Global House (178 Huntingdon Street) and erect a mixed use development to provide new retail, leisure and office accommodation within Use Classes A1, A2, A3, A5, B1 and D2; plus development of a three level multi-storey car park underneath the extension including a

shopmobility facility; erection of a new bus station and facilities; improvements to the public realm; associated highway and access works; and other associated works.

Mr Percival reported the following matters concerning representations received since preparation of the report and recommended, additional commentary on the application documentation and changes to the conditions contained in the draft decision notice attached to the report:

**(a) Additional Objections**

Receipt of two further objections via email from representatives of Trent Barton Ltd and Nottingham City Transport Ltd, expressing concern at the perceived absence of prior consultation on proposals and raising concerns at the impact of the proposals on traffic, particularly associated with public transport and car park access arrangements.

**(b) Additional Commentary**

**Leisure Need and Impact Assessment**

A leisure need and impact assessment was submitted with the application. The proposed development includes a 10 screen multiplex cinema, health and fitness club, fast food outlets and restaurants. As part of the need and impact assessment a cinema impact assessment was carried out. This involved identification of consumer demand and cinema supply using 2011 as the base year for assessment and 2017 as the design year.

The analysis of this, using the results of accepted research, concluded that there is significant potential for new cinema screens in Nottingham. The capacity figures suggest that there is scope for 17 additional screens in 2017, increasing to 19 in 2021. The assessment also examined the pattern of trips to the Victoria Centre cinema and the impact upon cinemas within the study area. It acknowledged that the proportional impact on cinemas within the study area will fall on Nottingham cinemas, but concluded that existing cinemas would continue to trade above optimum levels and that it would therefore be unlikely that any cinema would be forced to close due to the impact of the proposed Victoria Centre cinema. Nottingham currently has four main cinemas providing 35 screens and 7024 seats compared with four cinemas with 35 screens and 7177 seats in Derby.

**Nottingham Retail Offer**

A report by Experian in July 2012 assessed retail supply within Nottingham City Centre and concluded that:

Nottingham's retail rank has fallen from 3rd in 2001 to 8th in 2011;  
 Nottingham has a lower amount of retail floorspace than Liverpool, Manchester and Birmingham;  
 An additional department store is required to elevate Nottingham in the national retail hierarchy;  
 Nottingham's comparison goods provision could be enhanced by retailers who are currently not present in the city centre when compared to national and regional benchmark centres;  
 There is a high proportion of leakage to local competing centres;  
 Nottingham retains 37% of shoppers living within its primary and secondary catchment;  
 Nottingham has many strengths that can be built upon to enhance the retail economy; and

There is considerable opportunity for retail growth within Nottingham given the right strategy.

**(c) Proposed Changes to Draft Conditions**

The following changes were recommended in relation to the proposed access and egress arrangements to the proposed car park, the servicing strategy for the development, the elevational treatment of the Mansfield Road frontage and the undertaking of a safety audit of the Mansfield Road frontage:

**Proposed Amendments**

**Condition 16 be amended to read:**

"No development shall be commenced until the detailed designs of the proposed highway works, shown in principle only on Capita Symonds drawing number CS45087/T/133 Rev F and including a programme for their installation, have been submitted to and approved in writing by the Local Planning Authority. The works shall be constructed out in accordance with the approved details. "

**Informative 14** - the following sentence be added:

"The scheme will go through a full Road Safety Audit as part of the Section 278 and as such, minor amendments to the highways works plan referred to in condition 16 may occur."

**Proposed additional conditions**

The following additional conditions were proposed, with condition 1 amended pursuant to an amendment proposed by Councillor Edwards and approved when put to the vote, and condition 4 amended pursuant to an amendment proposed by Councillor Longford and approved when put to the vote

1. Notwithstanding the approved drawings, no part of the development shall be commenced until the proposed access and egress to the car park entrances and a car park management plan (to include operational and managerial information) have been submitted to and approved in writing by the Local Planning Authority. Once the development is brought into use, the access and egress arrangements and the car park management plan shall at all times be operated in accordance with the approved details.

*Reason: To avoid potential harm to bus operation on Mansfield Road ensure and to ensure the overall efficient operation of the car park in accordance with Policy T3 of the Local Plan.*

2. No part of the development shall be commenced until details of a strategy for managing the servicing of the development have been submitted to and approved in writing by the Local Planning Authority. Once the development is brought into use, the servicing of the development shall at all times be operated in accordance with the approved strategy.

Reason: *To ensure that the traffic effects of the development are mitigated in the interests of highway and pedestrian safety in accordance with Policies BE2 and T3 of the Local Plan.*

3. Notwithstanding the approved drawings, no above ground development shall be commenced until revised elevations and details of the Mansfield Road and bus station frontage of the development and of the southern elevation of Sheridan Court, have been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure that the appearance of the development will be satisfactory and in accordance with Policies BE2 and BE3 of the Local Plan.*

Further additional condition, proposed by Councillor Longford and approved when put to the vote:

- "4. Notwithstanding the approved drawings, no part of the development shall be commenced until revised details of the appearance, design, capacity and configuration of the bus station have been submitted to and approved in writing by the Local Planning Authority."**

### **Discussion**

The following points arose during discussion of the application:

- The success of the applicants in helping to transform the retail offer, with accompanying leisure and food offers, in other locations were noted and the jobs to be created by the proposals, to be located in the city centre and therefore accessible to all of the city's residents, were welcomed
- The commitment to Nottingham demonstrated by Intu and that their proposals would push the city back up the retail rankings were welcomed
- Progress achieved thus far in improving elements of design and materials were welcomed. It was requested that discussions should continue to improve aspects of the design, particularly to the Mansfield Road frontage adjacent to the Rose of England public house.
- The Committee expressed a level of concern at the proposed amendment to access and egress from the Victoria Centre car park as a result of the scheme, and the reduction of the overall number of entrances and exits compared to the current arrangements. Further discussions will be required to ensure that the proposed arrangements can operate satisfactorily, in particular without causing an unacceptable impact on traffic on Mansfield Road, to be secured by additional condition 1 as amended as proposed by Councillor Edwards
- The Committee expressed qualified support, at this time, for proposals associated with the replacement bus station. Further discussions will be required, to be secured through the condition proposed by Councillor Longford:
  - to ensure that this element integrates fully with the wider scheme in terms of connectivity and achieves its full potential in terms of attracting visitors to the Victoria Centre and wider city centre from both Nottingham and further afield;

- to address concerns regarding the traffic management implications of the scheme for public transport routes along Mansfield Road and Woodborough Road in particular, and the locality in general;
- to ensure that the bus station can achieve a satisfactory level of vehicle space, improved vehicle management of the facility and provide a better quality passenger experience with improvements to seating and inclement weather facilities.

The Committee agreed that the determination of the details submitted to discharge additional condition 1 (as amended) and the additional condition put forward by Councillor Longford should be delegated to the Chair, Vice Chair and Opposition Spokesperson.

## **RESOLVED**

- (1) that the requirements of Part 2 of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are satisfied by reason of the Environmental Statement submitted in support of the application including at least the following information:**
  - (a) a description of the development comprising information on the site, design and size of the development;**
  - (b) a description of the measures envisaged in order to avoid, reduce and, if possible remedy significant adverse effects;**
  - (c) the data required to identify and assess the main effects the scheme is likely to have on the environment;**
  - (d) an outline of the main alternatives studied by the applicant and an indication of the main reasons for rejecting these, taking into account the environmental effects;**
  - (e) a non-technical summary of the information provided under (a) to (d) above;**
- (2) that the implications of the development addressed in the Environmental Statement, subject to the mitigation measures proposed, do not amount to major adverse effects or main effects or other adverse impacts that would justify the refusal of the application;**
- (3) that, in making the decision on this application, the environmental information being the Environmental Statement and the representations received on it have been taken into account. The Environmental Statement meets the minimum requirements of Part 2 of Schedule 4 to the Environmental Impact Assessment Regulations 2011, and is sufficient having regard to Part 1 of Schedule 4 to those Regulations;**
- (4) that Regulation 24(1) of the Environment Impact Assessment Regulations 2011 be complied with as soon as reasonably practical, and the Head of Development Management and Regeneration be delegated to undertake the necessary requirements, namely:**
  - (a) to notify the decision in writing to the Secretary of State;**



- (b) to inform the public of the decision by newspaper advertisement; and,
  - (c) to place on deposit for public inspection a statement containing the content of the decision and the conditions attached to it, the main reasons and consideration on which the decision is based and a description, where necessary, of the main measures to avoid, reduce and, if possible offset any major adverse effects of the development, and also to contain information on the ability to and procedures for the challenge of the decision;
- (5) a Planning Obligation be sought under section 106 of the Town and Country Planning Act 1991 to secure, in summary, the following:
- (a) a financial contribution to environmental/public realm improvements to major approach routes to the development site to ensure full integration with the surrounding City Centre network of streets and public realm;
  - (b) a new bus station to be provided as part of the development and a financial contribution towards associated facilities;
  - (c) cyclist facilities;
  - (d) a financial contribution to support Centrelink bus service improvements;
  - (e) a financial contribution to fund connection to and new signage to the existing 'Park Smart' City Centre parking information system;
  - (f) a financial contribution for changes to traffic enforcement cameras;
  - (g) a financial contribution and the provision of linkages to the City Council CCTV system;
  - (h) a financial contribution for traffic monitoring cameras;
  - (i) a travel plan;
  - (j) provision of a Shopmobility facility;
  - (k) enhancement works to the Clock Tower entrance;
  - (l) a financial contribution towards the provision of an air quality management station.
- (6) subject to the completion of the Planning Obligation in relation to the items identified at resolution (5) above, to grant planning permission for the reasons set out in the report, subject to the indicative conditions substantially in the form listed in the draft decision notice at the end of the report amended as set out above and to the additional conditions specified above;
- (7) that Councillors are satisfied that Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation to be sought at resolution(5) above is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and,
  - (c) fairly and reasonably related in scale and kind to the development.
- (8) to delegate power to determine the final details of the conditions, substantially in the form of those listed in the draft decision notice at the end of this report amended as set out above and to the additional conditions specified above, and the Planning Obligation at (5) above to the Head of Development Management and Regeneration.

Councillor Sally Longford left the meeting at this point and returned after the following matter had been determined.

## **86 NEW COLLEGE NOTTINGHAM, STOCKHILL LANE**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration the report on application 13/02764/PFUL3 submitted by Ellis Williams Architects on behalf of New College Nottingham for planning permission to demolish the existing college buildings and construct a new four/five storey college building and a two storey sustainable construction, innovation and enterprise centre (SCIEC).

Mr Poole reported receipt of the following additional matters since preparation of the report:

- amended plans to show the retention of a greater expanse of Bulwell stone wall along the Nuthall Road frontage which is considered to be an enhancement to the overall scheme and as such is considered acceptable.
- a letter from the applicant requesting an adjustment to the timescales for some of the conditions to allow details to be agreed on a phased basis rather than prior to the commencement of any development on site. The applicant's request is considered to be reasonable and final wording of the conditions will be revised to reflect this prior to the decision notice being issued.

Councillors welcomed the proposal but expressed concern that:

- the proposed colour palette, whilst distinctive, was not sufficiently uplifting for such a use and its locality and should be the subject of further negotiations to achieve a revised colour scheme which would be more acceptable to local residents. If the applicant wished to maintain rather than replace the current palette, use of lighter tones would be preferred;
- reductions in on-site parking provision may result in increased parking on residential streets in the locality.

Mr Poole confirmed that the approval of external materials was secured by a condition of the draft decision notice which could be further amended to record that the condition applied notwithstanding the submitted details, and that the Committee's concerns would be discussed with the applicant. Mr Poole also confirmed that the Transport Statement submitted in support of the application indicated that the revised level of car parking met the needs of the applicant and that control over their management would be exercised through the requirement to submit and implement a robust Travel Plan.

### **RESOLVED**

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

**87 280 NOTTINGHAM ROAD, NOTTINGHAM**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration the report on application 13/03106/PFUL3 submitted by the DSP Architects Ltd on behalf of Aldi Stores Ltd for planning permission to demolish existing buildings and erect a new retail food store on the site.

Mr Poole reported receipt of the following since publication of the report:

**Revised plans:** received 12 February 2014 showing fencing to the side of the building brought forward and reflective glazing to the Nottingham Road windows.

**Additional expressions of support:** one letter and two further emails expressing support for a low-cost supermarket in the area accessible by foot and also supportive of the improvements to the appearance of the area.

**A letter of objection:** from the operator of a nearby shop, noting the impact of supermarkets on small shops and that it is wrong of the Council to support large supermarkets over small businesses. In response Mr Poole noted that the overall retail impact of the proposal is addressed in the report and that competition between individual shop operators is not a material planning consideration.

The Committee welcomed the changes that had been made to the scheme since the previous submission (application reference 13/02102/PFUL3) considered by the Committee at its meeting on 20 November 2013 (minute 62).

**RESOLVED**

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

Councillor Mike Edwards left the meeting at this point and returned after the following matter had been determined.

**88 TRENT BASIN AND LAND TO WEST OF TRENT LANE**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on a hybrid application 13/03029/PFUL3 submitted by Gerald Eve LLP on behalf of Blueprint (General Partner) Ltd and Homes and Communities for:

- (a) full planning permission to erect 41 dwellings comprising 35 terrace/semi-detached houses and six apartments in a separate block, landscaping, public open space and associated works (Phase 1); and
- (b) outline planning permission for the erection of up to 119 dwellings (excluding Phase 1) including means of access, with matters of scale, landscaping, layout and appearance being reserved for later determination.

Mr Poole asked the Committee to note that the site description in the report should have referred to land to the West of Trent Lane, not East and that the references in paragraph 7.13 of the report to the proposed material finishes to the buildings as having brickwork and render façades were incorrect in that the building facades are proposed to be constructed entirely in brick, using three brick types which were on display at the meeting.

Martin Poole also asked the Committee to note the following additional commentary in respect of the proposal:

**(a) Flood Risk**

It is considered that further explanation of the flood risk aspects of the proposed development should be provided. Para 7.21 of the report states that the site falls within Flood Zones 1 (Low Probability) and 2 (Medium Probability). To clarify this point further, only part of the site is within these zones, being that part closer to the River Trent to a point at approximately half of the length of the Basin area. The remaining part of the site towards Daleside Road is not at any risk.

Flood Zone 1 is defined as land having less than 1 in 1,000 year probability of flooding. Flood Zone 2 is that having between 1 in 100 and 1 in 1,000 year probability of flooding.

It is important to note that the flood designation of areas does not take into account the presence of flood defences or other structures such as culverts or minor watercourses. Significantly, the site is now afforded additional protection following the completion of the Nottingham Left Bank Flood Alleviation Scheme.

A Flood Risk Assessment (FRA) has been submitted with the application and has been reviewed by the Environment Agency. This assessed the risk of flooding from a range of sources, including fluvial (river), groundwater, reservoir (flood plain failure), sewer, and pluvial (rainwater flash flood). Taking all of these risks into account, it has been determined that the primary flood risk mitigation measures would include setting minimum floor levels at 24.60 AOD and that no basements are used within the development.

The Environment Agency concurs with the recommendations of the FRA and, subject to appropriate planning conditions, included in the draft planning permission appended to the report, has no objection to the proposed development on this basis.

**(b) Waterside Safety**

A concern has also been raised about waterside safety. When the development is complete, the waterside areas will incorporate appropriate details to manage the risks inherent in waterside developments. However, it is recognised that due to the phased nature of the scheme there will potentially be long periods where residents will live adjacent to undeveloped land where there will be a heightened risk from water.

It is therefore recommended that condition 5 be amended to include the following additional item:

- “5. Details of arrangements for securing construction sites and any remaining undeveloped areas of the site.”

The Committee considered that the application was a welcome addition to the locality and would hopefully provide the catalyst for comprehensive redevelopment of the waterside area. As part of ongoing discussions on any future proposals in the area, the Committee would wish to encourage applicants to consider the need to make provision for ancillary services and facilities such as doctors' surgeries to serve new development the area.

## **RESOLVED**

- (1) to grant planning permission, subject to:**
  - (a) prior completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to include:**
    - (i) financial contributions towards affordable housing and education, subject to the submission of viability appraisals relating to each phase of development, with no contributions being made in relation to Phase 1;**
    - (ii) the provision of public access through the site to the section of riverside walkway and edges of the Basin, and unrestricted opportunity to continue the riverside walkway onto adjacent development sites;**
    - (iii) the management and maintenance of public spaces, riverside path and future bridge at the mouth of Trent Basin;**
  - (b) conditions substantially in the form of those listed in the draft decision notice at the end of the report as amended above**
  - (c) to delegate power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission to the Head of Development Management and Regeneration;**
- (2) that the Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the Planning Obligation sought is:**
  - (a) necessary to make the development acceptable in planning terms;**
  - (b) directly related to the development; and**
  - (c) fairly and reasonably related in scale and kind to the development.**

## **89 SITE AT CRANWELL ROAD, NOTTINGHAM**

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/02657/PFUL3 submitted by Arcus Consulting on behalf of Nottingham City Homes Ltd for planning permission to erect 11 bungalows, 20 houses and 20 flats following demolition of existing dwellings and garages.

Mr Percival reported:

- that the two apartment blocks originally included as part of the proposal have been withdrawn from the application due to outstanding design and access issues so that the application now comprised the house and bungalow elements only;
- The observations from the heritage and urban design consultee had been received and stated that the scheme represented a welcome improvement compared to the buildings currently occupying the site, and recognised that the site was difficult to develop in terms of the levels and access restrictions. The proposed elevational treatments were considered acceptable.

The Committee raised a concern over the exclusion of flats from the scheme and expressed a desire that a mix of housing types be secured over the wider site to include one bedroom accommodation.

## **RESOLVED**

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

## **90 CANAL CONSERVATION AREA - PROPOSED EXTENSION OF DESIGNATED CONSERVATION AREA**

Nigel Turpin, Design and Conservation Manager, introduced a report of the Head of Development Management and Regeneration on proposals and processes for extending the existing boundary of the Canal Conservation Area to include 1 Colin Street and 2 - 26 Carrington Street.

**RESOLVED that, having had regard to the consultation responses received, the current designation of the Canal Conservation Area be varied by inclusion of the area shown highlighted on the plan at Appendix 1 to the report.**

WARDS AFFECTED: Wollaton West

Item No:

**PLANNING COMMITTEE**  
**19<sup>th</sup> March 2014**

## **REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

### **Radford Bridge Allotments, Russell Drive**

#### **1 SUMMARY**

Application No: 13/03099/POUT for planning permission  
Application by: Freeth Cartwright LLP on behalf of Commercial Estates Group  
Proposal: Outline application for residential development and regeneration of allotments incorporating new public open space, access, drainage infrastructure and ecological enhancement.

This application is brought to Planning Committee because this is a major development on a prominent site where there are complex land use considerations and the application is considered to be sensitive given the level of public interest.

To meet the Council's Performance Targets this application should be determined by 20 March 2014.

#### **2 RECOMMENDATIONS**

The Committee resolves to:

**REFUSE PLANNING PERMISSION** for the reasons set below:

1. The proposed development would result in the unacceptable loss of allotments and part of the open space network and fails to adequately compensate for these losses. The proposal is not in accordance with Policies R1 and R6 of the Nottingham Local Plan (2005) and Policies 10 and 16 of the Emerging Nottingham Aligned Core Strategy.
2. The proposed development does not adequately integrate with surrounding existing development in regards to permeability, failing to provide satisfactory access to the proposed open space. Accordingly the proposal is contrary to the aims of Policies BE2 and R3 of the Nottingham Local Plan (2005) and Policy 10 of the Emerging Nottingham Aligned Core Strategy.
3. The proposed development fails to include a satisfactory financial contribution towards public open space and is not in accordance with Policy R2 of the Nottingham Local Plan (2005).

#### **3 BACKGROUND**

##### Site and Surroundings

- 3.1 The application site consists of 10.9ha of used and disused allotments which are accessed from Russell Drive. This is a private allotment site managed by The



Radford Bridge Road Garden Holders Association. There are approximately 229 allotment plots on the site of which the Design and Access Statement classifies 133 as unmanaged, overgrown or abandoned. Figure 16 within the Design and Access Statement (Page 22) maps out the rented and overgrown/unmanaged plots in detail. The occupied plots are predominately located to the west and south sections of the site with the northern and eastern areas largely, heavily overgrown. The individual allotments are enclosed by hedgerow and throughout the site there are a variety of outbuildings in the form of sheds and greenhouses. The site generally slopes gently from north to south with a change in levels of approximately 3m. The site contains a wide variety of trees with the predominant species being Sycamore and Ash. There are a small number of Tree Protection Orders on the site and these are located in the north east corner, adjacent to the north and eastern boundaries respectively.

- 3.2 The City Council's Open Space Network covers approximately 66% of the site with the exception being an area of 3.72ha in the northern part that was removed from the Open Space Network within the Nottingham Local Plan, following a legal challenge in 2006.
- 3.3 To the immediate south east of the application site is Martin's Pond and Harrison's Plantation both of which are Local Nature Reserves (LNR). Martin's Pond is a complex mosaic of open water, reed bed, fen, wet and dry woodland habitats. A watercourse, the Bilborough Brook, runs from the north of the site, through the allotments before discharging into Martin's Pond. Harrison's Plantation is an area of woodland to the east of Martin's Pond and both areas contain footpaths as part of the network for the wider area.
- 3.4 The allotment site is bounded on all sides by residential properties. Torvill Drive is situated to the north and in part is significantly higher than the application site. The topographical survey submitted with the application depicts that at its most acute the level difference between the site and Torvill Drive is 4.5m (it is noted that the topographical survey takes the Torvill Drive measurement from the public highway). Reynolds Drive and Rudge Close are to the east of the site and there is a children's playground located adjacent to the north east corner of the site, with access from Lambourne Drive. To the west is Ewell Road and Pembury Road, whilst to the south is Russell Drive. Russell Drive (which forms part of the A609) is a major route, which provides a link to Nottingham City Centre to the east and Ilkeston to the west and benefits from frequent bus services to both destinations.

#### Planning History

- 3.5 In the early 1990's three separate applications (90/02052/OUT, 91/01719/PFUL3 and 91/01720/PFUL3) were submitted to the Council for residential development on the site and all three were refused. The applications were contained within the northern part of the current application site and all three were refused on the grounds that the development would adversely affect the nature conservation importance of the allotment gardens and Martin's Pond Local Nature Reserve, and that the allotments should be safeguarded for future use. An appeal was submitted in relation to the two 'Full' applications but was dismissed by the Inspector in 1992. The appeal was dismissed on the grounds that the development would adversely affect areas of importance for nature conservation and there was not clear evidence that there was a significant shortfall in demand for allotments.
- 3.6 The consultation draft of the current Local Plan included the entire Radford Bridge Allotments site within the Open Space Network. Agents acting on behalf of the



owners of Radford Bridge Allotments sought to have part of the site allocated for residential development (the northern strip of allotments backing on to the rear of housing on Torvill Drive). At the time, officers concluded that the site was unsuitable for housing and, therefore, should not be included as a development allocation. The site was consequently designated as part of the Open Space Network. The Inspector's report on the Local Plan concluded that part of the site was an appropriate housing site, and should be allocated for that use. However, the Inspector's report was non binding, and the City Council adopted the Local Plan without making any change with regard to this recommendation.

- 3.7 Subsequent to the adoption of the Local Plan, the owners of the site sought a Judicial Review into the designation of part of the land as open space and were successful in their challenge. The Open Space Network designation on part of the site was quashed by the High Court on 20<sup>th</sup> September 2006. The Judicial Review did not seek to designate this land as a development site. This land is therefore shown as 'white land' with no designation on the City Council Local Plan proposal map.
- 3.8 In 2010 a screening opinion (10/00226/EASCR) was sought as to whether an Environmental Impact Assessment would be required for the development of the land removed from the Open Space Network ('the white land'). It was considered that having regard for the EIA Regulations 1999 that the development of that site would not require an Environmental Impact Assessment.
- 3.9 Notwithstanding this decision, the agent wrote to the Council to confirm that the applicant was exercising their right to submit an Environmental Impact Assessment with the forthcoming application and sought a 'scoping opinion' (12/00677/EASCR). This would become the Environmental Impact Assessment submitted with application 12/01583/POUT and encompassed a larger site than for the screening opinion decision issued in 2010. The purpose of the scoping opinion was to establish the parameters of the Environmental Impact Assessment and a decision was issued in April 2012, with comments on the scope of the topics to be covered.
- 3.10 In December 2012 planning permission was refused (re:12/1583/POUT) for an outline planning application comprising residential development of up 140 dwellings with associated regeneration of allotments, public open space, access, drainage infrastructure and ecological enhancement. The application was refused for five reasons which relate to the following:
- Unacceptable loss of allotments and part of the open space network and failure to adequately compensate for these losses.
  - Absence of key ecological information from the Environmental Impact Assessment
  - The proposed access being inadequate to accommodate the level of traffic projected to be created from the development.
  - The layout of the masterplan, specifically how proposed uses integrate with each other and a failure to capitalise on opportunities relating to enhancement of open space and permeability. The impact on amenity of existing and proposed residents also formed part of this reason for refusal.
  - The absence of a financial contribution towards public open space.
- 3.11 In October 2013 the Council undertook a consultation on the Land and Planning Policies Document – 'Preferred Options'. This document proposes to re-designate the whole of the application site, together with Martin's Pond and Harrison's

Plantation as part of the Open Space Network. It is anticipated that the “publication stage” of this document will be published in Autumn 2014.

- 3.12 The applicant chose to appeal this decision and a Public Inquiry was scheduled to open in November 2013 to consider the proposal. Approximately six weeks before the Inquiry was programmed to open the Appellant submitted amended plans and supporting documentation for consideration at the appeal. The main changes were a reduction in the maximum number of dwellings from 140 to 110 and a change to the position of the public open space within the site.
- 3.13 On the first day of the Inquiry the Inspector concluded that members of the public had insufficient opportunity to comment on the revised proposals due to flaws in the consultation exercise undertaken by the Appellant. The Inquiry was therefore adjourned after the first day to allow further consultation on the revised scheme. The Inquiry is programmed to re-open on 18 March 2014 and to last four days.
- 3.14 In December 2013 a screening opinion (ref:13/02914/EASCR) was sought for a revised scheme of 110 dwellings as to whether the proposed development required an Environment Impact Assessment. As with the 2010 screening request it was concluded that the proposal did not require an Environmental Impact Assessment. The documentation submitted with the current application is detailed in paragraph 4.7.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 The application seeks outline planning permission for residential development of up to 110 dwellings with all matters reserved bar access which is proposed off Russell Drive, following the demolition of 120 Russell Drive. The housing is proposed over approximately 3.72ha of allotment land and is located in the western and north western sections of the site abutting existing residential properties on Pembury Road, Ewell Road and Torvill Drive. The western section of the land proposed for housing (approximately 2ha) is within the Open Space Network.
- 4.2 Should outline permission be forthcoming then the detailed layout and design of the development would be subject to a reserved matters application. However, an illustrative site layout is provided as part of the Masterplan and indicates a total of 106 dwellings, comprising the following mix:

2 bedroom – 10 dwellings  
3 bedroom – 64 dwellings  
4 bedroom – 23 dwellings  
5 bedroom – 9 dwellings

The application indicates that the development will be exclusively two storey dwellings to reflect the character and scale of existing buildings in the surrounding area.

- 4.3 In addition to the residential development the application proposes the regeneration of the existing allotments across the wider site to provide up to a total number of 180 new allotment plots. The new allotments are proposed to be located to the west and north of Martins Pond and the ‘Allotment Delivery Strategy’ accompanying the application advises that plot sizes will be 250m<sup>2</sup> or 125m<sup>2</sup>. Indicatively this is broken down to 128 sized at 250m<sup>2</sup> and 51 at 125m<sup>2</sup>

- 4.4. The Masterplan shows provision of public open space in the centre of the site and this will include a playground. In addition there is also open space proposed to the east of Martin's Pond which eventually is proposed to connect to the existing footpath around the pond and provide a link to the proposed residential area. This area has been identified as a suitable zone for mitigating the loss of habitat arising from the development and therefore is not proposed to be publicly accessible until established.
- 4.5 The development proposals include a series of works designed to enhance Martin's Pond and Harrison's Plantation and include:
- Removing silt from the channels to protect open water habitats
  - Improving water quality in Bilborough Brook and Martin's Pond through creating a Sustainable Urban Drainage System (SUDS) on the site
  - Excavating a settling pond and constructing a reed bed treatment system to remove suspended solids and pollutants from water in the Bilborough Brook before it enters the Martin's Pond
  - Carrying out woodland thinning
  - Creating additional wetland habitats in close proximity to Martin's Pond.
- 4.6 A draft Section 106 Agreement has been submitted with the application which secures obligations in relation to affordable housing, education, highway improvements and enhancements to Martin's Pond and Harrison's Plantation.
- 4.7 Unlike the previous application, this proposal is not accompanied with an Environmental Impact Assessment. However the following technical documents are submitted in support of the application:
- Planning Statement
  - Design and Access Statement
  - Ecological Impact Assessment
  - Ecological Strategy
  - Allotment Delivery Strategy
  - Martins Pond LNR Condition Assessment
  - Townscape and Visual Impact Assessment
  - Transport Assessment
  - Framework Travel Plan
  - Arboricultural Report
  - Flood Risk Assessment and Drainage Strategy
  - Preliminary Infrastructure Assessment
  - Geo-Environmental Ground Investigation
  - Energy Statement
  - Statement of Community Engagement
  - Noise Assessment
  - Air Quality Assessment
- 4.8 In summary the proposals submitted in this application are to all intents and purposes identical to that being considered by appeal. In terms of the masterplan the only differences are the inclusion of the playground within the open space on the site (which the applicant has advised was always the intention), the re-routing of a section of the Bilborough Brook around the play area and the provision of a footpath up to the boundary with Torvill Drive. However, it should be noted that as

with the appeal scheme, there is no proposal to make a physical connection to Torvill Drive as part of this application.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

5.1 **Adjoining occupiers consulted:** The list of local residents consulted on the application is contained within Appendix 1.

5.2 There have been a total of 143 objections to the application from local residents. As with the previous application there were a number of key topics that occurred in the objection letters and these can be summarised as:

- **Loss of Green/Open Space.** Residents are very concerned that the development will result in the loss of valuable green space in an urban area. They submit that the allotments are an important part of the character of the area and this would be destroyed by development.
- **Loss of allotments.** The allotments provide an important function for recreation and have numerous benefits including the production of food and undertaking exercise.
- **Impact on Ecology and Nature Conservation including Martin's Pond.** Both the allotment site and the adjoining Martin's Pond are a haven for local wildlife and the area is of high ecological value. The proposals would have a serious impact on the ecological value of the site.
- **Impact on local schools and other facilities.** The local schools, in particular Fernwood and Middleton schools, are at capacity and further children within the catchment area are going to add further pressure. If school places are lost to residents from within the catchment area as a result of the development this is unfair.
- **Traffic/Access issues.** The objections primarily relate to the additional traffic that would be placed onto Russell Drive, which is already a congested route, particularly at peak periods. A very detailed response in relation to highway matters from a local resident, who is a highway consultant, has also been received and the contents of this are discussed within the appraisal section.
- **Flooding.** The development of the site will increase the likelihood of flooding in an area with a high water table.

5.3 In addition the objection letters also covered the matters listed below, which have been organised into broad subject areas and in some cases are more detailed points in relation to the main topics above.

### **General/Principle Reasons**

- Reduction in houses (compared to the previous scheme) makes no difference
- Brownfield/PDL sites should be considered first. For example: Glaisdale Industrial Estate

- No need for new housing in Wollaton area
- Application is premature. Should go through Development Plan Process
- Improvement of brook shouldn't justify housing
- Process has been confusing with appeal at the same time for same scheme

### Allotments

- Allotment uptake has been restricted by developers and site owners
- Existing allotment configuration is unique and dates back to Victorian model
- Perception that existing allotments are not wanted is unfair
- Existing allotment holders would have to start over again. Significant time and effort would be lost. Loss of food produce
- New allotment costs would be quadruple current amount
- There has been a long-standing program of removing allotment holders from the site
- The North Wollaton Residents Association (NWRA) have a record of expressions of interest from 90 people in taking a plot.
- Resident has been on allotment 'waiting list' for 4 years and no response; Allotment Association will not engage with prospective tenants
- Development uncertainty has affected interest in people taking up and maintaining allotments
- Supposition that people with larger gardens do not want/need allotments is flawed
- Why remove existing well used allotments in South West part of the site?
- 'P' Block (located on the western side of the site, containing 37 allotments) as a whole is well used and even plots that are vacant could be brought back into use without much work
- Complete overhaul of allotments is unnecessary
- New allotments plots are much smaller and appear to require much higher rents. Smaller plots proposed to try and convince that more are being proposed
- Model allotments are uniform and so don't offer diversity.
- The offer of 50m<sup>2</sup> of topsoil for a 250m<sup>2</sup> allotment is clearly insufficient
- Suspect that remaining allotments would be built on in the future if this development is permitted
- Proposed parking for allotments is insufficient
- Day to day deliveries to future allotments will need to go through the proposed residential area
- Access for emergency vehicles is insufficient
- Loss of trees. The tree survey does not accurately record number of fruit trees on the site.
- Dividing of allotments is not required or welcomed
- Concern about significant loss of hedgerows

### Highway/Traffic

- Vehicles speed along Russell Drive so unsuitable access point
- Why isn't access off both Torvill Drive & Russell Drive?
- Increased likelihood of rat running on Torvill Drive and Lambourne Drive
- Torvill Drive should be access point
- Currently when vehicles turn right off Russell Drive onto side roads/drives, vehicles passing choose to mount the pavement. This would be made worse
- Current bus service is at capacity

### Layout/Design

- Development does not integrate with existing surrounding area
- Density is higher than surrounding area
- Playground too close to Martin's Pond
- Lack of 'green' environmental qualities to the housing
- Security concerns with regards to the proposed open space and access to the allotments
- Loss of privacy/overbearing onto Torvill Drive

### Information

- The allotment survey is flawed in its judgements regarding the status/condition of allotment plots
- The ecological information remains flawed and is not consistent. Surveys do not do justice to ecological value of the site
- No details of finished floor levels

### Other

- The financial commitment to Martin's Pond and Harrison's Plantation should be spread over ten years
- Rear fence of eight properties on Rudge Close and Archer Crescent should be relocated into the site so that loss of amenity is not suffered as a result of public accessing land to the rear
- Drainage system will not be able to cope
- Pollutant levels will decrease air quality
- Consultation exercise by Beattie Communications is flawed for several reasons including of the types of questions that were proposed and the low number of responses.

- 5.4 The North Wollaton Residents' Association object to the application on a number of grounds including that the proposal would result in an unacceptable loss of existing allotments; the new open space is insufficient compensation for the loss of well used plots and impact on wildlife; environmental data is inadequate; proposals not sustainable; poor integration with existing community; inadequate parking for new residents and gardeners; splitting allotment sites into two will cause access and parking issues and the site already experiences significant flooding problems.
- 5.5 Councillor Battlemuch strongly objects to the application on the grounds that the allotments should be protected and improved, there is no capacity for children to attend the local schools and traffic congestion on Russell Drive is already a significant issue which a single access will exacerbate.
- 5.6 One letter of support has been received from a local resident who advises that the development would contribute to the Council's housing provision as they do not have a 5 year supply. Other reasons for support include the provision of affordable housing, the site is in a sustainable location with good access to facilities, the new allotments will be more fit for purpose than existing plots, improvements to Martin's Pond and Harrison's Plantation plus the creation of an additional nature reserve in the site and that the owners have no intention to turn the site back into allotments and so the site is best developed.



**Additional consultation letters were sent to the following whose responses are listed below:**

- 5.7 **NCC Highways:** No objection and confirms that the proposed access is considered acceptable for 110 dwellings. The comments provide advice to state that the detailed design should be undertaken with regard to Manual for Streets and the 6C's Design Guide. General advice is provided with regard to parking and manoeuvrability and the transport section 106 contributions required (and provided for in the draft planning obligation) are set out. A construction traffic management condition is recommended.
- 5.8 **Environment Agency:** No objection subject to conditions which secure the proposed works to the watercourse and cover surface water drainage matters.
- 5.9 **The Council's Park Service:** these comments are broken down into three elements; principle and layout issues, allotment provision and biodiversity.

Principle and Layout

- 5.10 The allotments in the southwest of the site are largely in use and are required for open space use within the network. Therefore compliance with policy R1a is not achieved in this regard.
- 5.11 The public open space is located centrally to the site and is in an appropriate location to serve new residents as well as incorporating an existing valuable landscape feature of the Bilborough Brook. This is an improvement on the previous application, although they query whether pedestrian access will be provided from Torvill Drive.
- 5.12 Open space provision for new residents has been proposed on site. If the cost of creating this new open space does not equate to a standard S106 sum based on a bed space calculation and is below this value, the balance should be paid to the City Council as an offsite contribution.

NCC Allotment Officer

- 5.13 Objects to the proposal to build on existing well used allotments, which are accessible, have a good layout and form part of the City's Open Space Network. The proposal will force longstanding plot holders to travel further and to abandon land that some have been working for many years. Notwithstanding the issues regarding the position of retained/replacement allotments, if any development goes ahead based on improving the allotments, it is important that tight conditions are put on any approval to ensure that the standards suggested in the allotment delivery strategy are adhered to and can be enforced. Furthermore the private land owners must be compelled to allow ordinary citizens equal access and use of the allotment gardens.

NCC Biodiversity

- 5.14 The biodiversity officer confirms that the ecology survey data is sufficiently up-to-date and when considered in combination with the older data for the site is acceptable for understanding the baseline condition of the site at present. However, up-dating of certain protected species surveys would need to be carried out prior to site clearance works, or if the development was not to proceed for some years, to ensure that no legislation pertaining to protected species is contravened. The combined data indicates that the site and its existing habitats are of some value to breeding and wintering birds, aquatic and terrestrial invertebrates, spined loach and

foraging bats, although not at such high activity levels or supporting rare species, or particularly high species diversity that this value, cannot be adequately mitigated for. The mitigation measures outlined in the EclA document are appropriate but there is an expected slight adverse impact on many of the ecological receptors such as breeding birds, terrestrial invertebrates and foraging and roosting bats. However, it is considered that over time, as the mitigation areas develop and are managed appropriately, slight adverse impacts will reduce and benefits increase.

- 5.15 The officer highlights that there is some inconsistency in the information with discrepancies between the EclA and the Ecology Strategy. In addition the EclA fails to consider the re-routing of the Bilborough Brook as shown on the indicative masterplan. Offsite habitat enhancement measures concerning the adjacent LNRs, including woodland thinning of Harrison's Plantation will also need to be agreed in much more detail and covered under the further plans secured by planning conditions/obligation.
- 5.16 **Natural England:** In relation to statutory nature conservation sites, Natural England confirm that they have no objection. With regard to protected species, Natural England require local planning authorities to follow their standing advice, stating that it is a material consideration. The standing advice has been taken into consideration and the need for protected species surveys and the survey methodologies and timings largely conform to the advice
- 5.17 The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.
- 5.18 **NCC Drainage:** It is requested that the submission is updated to take into account the Environment Agency's surface water flood map which was published on 12 December 2013. An overland flood route map should be provided and confirmation that no houses will be built in localised hollows (e.g. confirm all finished floor levels will be higher than overland flood route levels). This request has been forwarded to the applicant and a response has been provided. NCC Drainage are reviewing this response and will comment in due course.
- 5.19 **The Coal Authority:** No objection to the application subject to a condition requiring site investigation works prior to the commencement of development. Should site investigations confirm the need for remedial works to treat the areas of shallow mine workings for the safety of the development, these should be undertaken prior to the commencement of development.
- 5.20 **Severn Trent:** No objection subject to a condition for the disposal of surface water and foul sewage.
- 5.21 **Noise and Pollution Control:** No objections to the application but recommends that conditions are imposed relating to further investigation and the implementation of any necessary remedial measures.
- 5.22 **Tree Officer:** Accepts the tree surveying difficulties on this site but has identified significant individual trees omitted from the survey that should inform layout. It is



encouraging that the demonstration allotment plots set out by the applicant contain numerous mature fruit trees and this should be secured by condition. A further and more thorough tree survey will be required before remediation gets underway. An arboricultural method statement will be required by condition, and this will need to include a drawing showing trees retained and trees removed within the construction envelope. With regard to recommendations within the Ecological Strategy the statement is not accepted (4.2.2) that 95% of Sycamore and Norway maple should be removed over a period of 20 years since Sycamore comprises the bulk of mature trees on site, and the “ecological justification” has not been demonstrated.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

- 6.1 The NPPF (paragraph 2) confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations dictate otherwise. The NPPF is a material planning consideration. There is a presumption in favour of sustainable development (paragraph 14) where proposals accord with the development plan and where the development plan is absent, silent or relevant policies are out of date, proposals should be granted permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as whole; or specific policies in the NPPF indicate development should be restricted.
- 6.2 The NPPF sets out the core planning principles in paragraph 17, many of which apply to the proposed development. They include, amongst others, supporting sustainable development, securing high quality design and managing patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.3 Paragraph 32, within the ‘promoting sustainable transport’ section of the NPPF, encourages opportunities for sustainable transport modes to be taken up and states that development should only be prevented on transport grounds where the residual cumulative impacts are severe.
- 6.4 Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five year supply of deliverable housing.
- 6.5 Paragraphs 56-68 outline the Government’s approach to design including that good design is a key aspect of sustainable development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.6 The NPPF in paragraph 74 states existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.7 The Government’s approach to managing the risk of flooding in relation to development is outlined in paragraph 100 with development directed to the area of

least flood risk, wherever possible. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

- 6.8 The NPPF outlines how the planning system should contribute to and enhance the natural and local environment in paragraphs 109-125. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

**Nottingham Local Plan (November 2005):**

- 6.9 The following policies have been saved and are considered to be relevant to assessment of the application. The policies are considered to be consistent with the NPPF and therefore should be attributed full weight in the decision making process.

ST1 – Sustainable Communities.

ST4 – Integration of Planning and Transport Policies.

H2 – Density.

H3 – Appropriate Housing Types.

H5 – Affordable Housing.

R1 – Development of Open Space.

R2 – Open Space in New Development.

R3 – Access to Open Spaces.

R6 – Allotments.

BE1 – Design Context in the Public Realm.

BE2 – Layout and Community Safety.

BE3 – Building Design.

BE4 – Sustainability in Design.

BE5 – Landscape Design.

NE2 – Nature Conservation.

NE3 – Conservation of Species.

NE5 – Trees.

NE6 – Trees Protected by Tree Preservation Orders.

NE9 – Pollution.

NE10 – Water Quality and Flood Protection.

NE12 – Derelict or Contaminated Land.

T2 – Planning Obligations and Conditions.

T3 – Car, Cycles and Servicing Parking.

### **Regional Spatial Strategy (RSS)**

- 6.10 At the time of the decision on the previous application, the RSS formed part of the development plan. The RSS was revoked in April 2013 and therefore is no longer part of the development plan and is not a consideration in this application.

### **Emerging Greater Nottingham Aligned Core Strategies**

- 6.11 Paragraph 216 of Annex 1 of the NPPF states that from the day of publication weight to relevant policies in emerging plans can be given according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the emerging plan policies to the NPPF. The Greater Nottingham Aligned Core Strategies was published in June 2012 (prior to the previous decision but at a time when the RSS still formed part of the development plan). The examination in public into the Aligned Core Strategies concluded in February 2014 and consultations on proposed modifications are due to commence on 17 March 2014. A decision will be made thereafter as to whether the Aligned Core Strategies are considered sound.
- 6.12 The ACS sets out the development framework for the period 2011-2028 including provision for 17,150 dwellings within NCC's administrative boundary. Policies contained within the ACS which are considered to be particularly relevant include:

Policy 2: The Spatial Strategy

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 16: Green Infrastructure, Parks and Open Space

Policy 17: Biodiversity

Policy 19: Developer Contributions

- 6.13 Main Modifications to the ACS are anticipated to be published for representations on 17 March 2014 and this is an advanced stage of preparation. During the course of the hearing sessions and written evidence for the Examination in Public into the ACS, the Inspector has considered all objections into Policy 2 in the light of the evidence submitted, and has not recommended a Main Modification to remove the table in the Policy, therefore objections do not remain unresolved. In not recommending a Main Modification to remove the table the Inspector must have concluded that Policy 2 and the table are consistent with the relevant policies of the NPPF. Accordingly, it is considered that Policy 2 and the other policies listed above the ACS can now be attributed significant weight by decision takers.

### **Supplementary Planning Guidance**

- 6.14 The Supplementary Planning Guidance for the provision of Local Open Space in New Residential Development dated 1997, updated 2011, is the relevant document for calculating the open space contribution required for the development.

### **Other Material Considerations**

- 6.15 The Breathing Space Strategy (2011) is the revised strategy for the management and maintenance of Nottingham City Council's Open and Green Space between 2010 and 2020. It provides the framework for assessing open and green space provision within the City. Within the document is a tool kit for assessing open and green space requirements for proposed development. The original document was adopted in 2007 following the approval of Nottingham City Executive Board and subsequent to a period of public consultation. The 2011 update related to the

Action Plan element of the document pages 34-48 and this update was subject to internal consultation only.

### **Other Legislation**

Wildlife and Countryside Act 1981 (As amended)  
Conservation of Habitats and Species Regulations 2010  
Natural Environment and Rural Communities Act (2006)

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of Residential Development and Allotment Re-Provision
- (ii) Ecology and Nature Conservation
- (iii) Transport and Access
- (iv) Flood Risk and Drainage
- (v) Layout/ Urban Design and Amenity
- (vi) Housing Figures and the Presumption in Favour of Sustainable Development
- (vii) Section 106 Matters
- (viii) Conclusion

### **(i) Principle of Residential development (Policies R1 and R6)**

- 7.1 In terms of assessing the principle of residential development, as per the previous application the main considerations are whether the proposal complies with the open space and allotment policies of the Local Plan. The applicant submits that the proposal will result in a more efficient allotment provision, making a greater number of plots available for use and introducing greater public access for the wider community to the open space network. The number of 'new' allotments that are proposed to be provided has indicatively at least increased from a proposed maximum of 164 in the previous application to a maximum of 180. As with the previous proposal this includes a significant number of smaller plots (125m<sup>2</sup>).
- 7.2 Policy R6, which generally seeks to protect allotment sites, unless certain criteria are met, outlines the tests of considering development on allotment land. The first assessment is whether there is a need for the allotments or if a need is established that compensatory provision is made elsewhere nearby. It is apparent from both the applicant's submission and the objections from local residents (which still remain significant in number and include allotment plot holders) that there is a need for the allotments. The extent of the need is hard to gauge accurately as the site remains severely overgrown in part and the number of allotments that are in use appears to be approximately 60. The extent of the use within these 60 plots varies with approximately two-thirds demonstrating cultivation over 50% of the plot and these are well managed and used. The number of plots in use appears to have reduced even in the comparatively short period since the consideration of the last application, where the Design and Access Statement advised approximately 96 plots were in some sort of use. However, whilst sections of the site remain heavily overgrown (parts of the north and east of the site) and are unlikely to come into use without significant investment, there are approximately 40 plots that could be brought back into use without significant clearance work being required.
- 7.3 Whilst the number of plots in use may have decreased, local residents responding to the consultation have again raised the complaint that when they have enquired about the potential to lease a plot, they have been unable to gain a response from the Radford Bridge Allotments Holders Association. In addition, a message was

displayed on the Radford Bridge Allotments Holders Association's website which confirmed in February 2012 that they would not be accepting any new renters as a result of the development proposals. This message was replaced in December 2013 advising that there were a number of plots available for rent in early 2014 but advised that re-development may be taking place and as such any rental period may be short term and any tenant may be required to be relocated to a different plot. Given the comments from local residents about their inability to engage with the Association, the message displayed on the website from February 2012 and December 2013 and the general uncertainty about the future of the site, this is likely to explain the reduction in worked plots. Strong concerns also continue to be expressed by local residents about the management of the site.

- 7.4 As with the previous application, the area proposed for proposed residential development covers the western and northern sections of the site, though the developable area has been reduced from 4.3ha in the previous application to 3.72ha. Whilst the northern part of the allotment site continues to contain a large percentage of overgrown plots, the western section includes plots which remain amongst the best used and maintained of the site. Before taking account of the proposals for the new allotments, it is considered that the development would therefore have a significant impact on the allotment provision of the site both in terms of quantity and quality of the plots that are proposed to be built upon. This is supported through the comments received from local residents and allotment services.
- 7.5 The compensatory offer for the loss of the allotments is approximately 180 new plots to be provided on the remainder of the application site that is not proposed for housing, public open space or infrastructure. The revised allotment delivery strategy clarifies that each allotment will be 250m<sup>2</sup>, with smaller plots of 125m<sup>2</sup> offered on request. The allotment strategy indicatively shows 128 plots at 250m<sup>2</sup> and 51 plots at 125m<sup>2</sup>. It is considered reasonable to include some smaller plots to encourage people who perhaps do not wish to take on the workload associated with the larger sized plots. However, it should be noted that the existing plots to be replaced are significantly larger than 250m<sup>2</sup>, with the plot size averaging approx 370m<sup>2</sup> within 'P' block (the western block). If existing tenants wanted comparable plot sizes to their current plots then the number of overall plots would be reduced significantly. This could also be the case if the demand for the 250m<sup>2</sup> plots far exceeded the indicative proportion shown within the allotment strategy. As such the reference to provision of a maximum of 180 allotment plots should be considered with caution. Ultimately, if the scheme is approved the balance between plots is a matter that could be secured by condition.
- 7.6 Policy R6 also requires an assessment as to whether the partial redevelopment of allotments will result in more efficient use, and improvements to the remaining allotments (R6b). It is recognised that the development would bring about the upgrade of disused and overgrown allotments particularly in the eastern part of the site and this in isolation at least, is a benefit of the scheme. However, the loss of the better used and well established allotments on the west side remains a considerable concern and the allotment officer has previously commented that the land in the northern and eastern parts of the site would take many years to build up fertility. Allotment gardening is generally speaking a long term recreational activity that requires work over a prolonged period of time. Unlike perhaps replacing a sports pitch, where the replacement product is the same, if not better from the outset, the loss of a well worked long term allotment plot is far more personal and is going to take years of work to replace, and this is afforded significant weight in



judging the compensation proposals. Whilst some improvements have been made in terms of accessibility to the new plots on the revised indicative masterplan, this fails to convince that the offer suitably compensates for the loss of existing well used allotments.

- 7.7 In response to the strong concern that building on the allotments on the west side of the site is unacceptable, and without prejudice to other issues, the applicant has advised that their proposals are based on a complete overhaul of the allotment site to address a range of deficiencies including choice of size of plot, drainage and access. Therefore no matter where development was proposed, the remaining allotments would be revamped. However, no compelling evidence has been provided to suggest why the housing development cannot be relocated within the site to allow the allotments to the west to remain in situ and that any deficiencies could not be adequately managed.
- 7.8 This approach of analysing the existing quality of the site is supported by emerging policies in the ACS. Policy 16: Green Infrastructure, Parks and Open Space of the emerging ACS states within part 4 of the policy that Open Spaces should be protected from development. Whilst the policy is clear that exceptions may be made, it states that alternative scheme designs that have no or little impact should be considered before development proposals are accepted and mitigation is provided. Furthermore Policy 10 of the emerging ACS states that new development should reinforce valued local characteristics. It is considered that the development proposal actually removes valued local character through the removal of existing well-used allotments. Taking into account all of the above it is considered that the compensation proposals for providing replacement allotments do not outweigh the harm caused by the loss of the existing well used allotments and the proposal is contrary to Policy R6a.
- 7.9 Policy R1 sets out various criteria for assessing development within the Open Space Network. Approximately 2ha of the residential development is proposed within the Open Space Network and this comprises the land to the west of the site that includes an area of well used allotments. It is therefore considered that the proposal does not meet the tests of criterion 'a' of the policy as the land is both used and valued as part of the Open Space Network.
- 7.10 The policy requires an assessment as to whether the development would have a detrimental effect on the open space, environmental, landscape character or wildlife value of the Network as a whole. The loss of this section of the Open Space Network would reduce the length of the green corridor which runs through the allotment site, Martin's Pond and Harrison's Plantation, albeit by a comparatively modest amount. This part of the Network is not publicly accessible but the proposed residential development will erode the amount of green space adjacent to existing residential areas and will result in the loss of well used allotment plots as previously established. The inclusion of publicly accessible open space within the centre of the development is welcomed and represents an improvement from the previous application, but this does not overcome the concerns regarding building on well used allotments and it is considered that the revised proposal remains contrary to Policy R1a and b and R6c of the Local Plan, and also Policies 10 and 16 of the emerging ACS. It is acknowledged that these emerging policies do not yet benefit from full weight in the decision making process, though as stated in paragraph 6.13 the weight should still be considered significant.

**(ii) Ecology and Nature Conservation (Policies NE2, NE3, NE5, NE6, R1 and R6)**

- 7.11 Although this planning application is not subject to an Environmental Impact Assessment, the requirement to consider the same environmental issues as the previous application nevertheless remains. The refusal of the previous application included the reason that the ecological information submitted was not adequate to enable a full and comprehensive assessment of the proposal. The ecological surveys have subsequently been updated and when considered in combination with the older data for the site are considered acceptable for understanding the baseline condition of the site at present.
- 7.12 The Council's Biodiversity Officer has concluded overall that the surveys have indicated that the site is used by a host of breeding and wintering birds. However there is not sufficient diversity or species of sufficient value to meet the selection criteria and qualify for status as a Site of Importance for Nature Conservation (SINC) quality for birds. Only common and widespread terrestrial invertebrates were recorded and reptiles were again found to be absent during the 2013 survey. Following some scrub clearance to facilitate access into previously unexplored areas of the site, three disused badger setts were located, and 33 buildings or structures were investigated for their suitability to supporting roosting bats. Extensive badger foraging signs were recorded within the site, and one building was found to have low potential for roosting bats.
- 7.13 The mitigation measures required in order for the impacts to be appropriately mitigated are very heavily dependent upon appropriate layout, plant species choices, and the methods and timing of both site clearance works and essential ongoing management of all open spaces, allotments, hedgerows and the nature reserve area. A large part of the mitigation strategy will be contained within the proposed nature reserve area to the east of the site. The Council's Biodiversity Officer is satisfied that these measures can be secured through planning conditions. A detailed habitat creation plan, landscaping plan, detailed method statements for site clearance (including method statement for any works to the Bilborough Brook), as well as securing the production, approval and implementation of management and monitoring plans, would all be essential to ensure that the impacts of the proposed development on ecology and wildlife conservation are appropriately mitigated.
- 7.14 The Biodiversity Officer reports that consideration must be given to the preservation of the existing population of Spined Loach within the Bilborough Brook. It is advised that this is a Species of Principal Importance under the Natural Environment and Rural Communities Act 2006 (NERC). It is also an Annexe 2 listed species under the EC Habitats Directive, which means that member states must take steps to ensure that favourable conservation status of these species is maintained. The Biodiversity Officer is satisfied that the impact on the Spined Loach will be acceptable subject to achieving the necessary balance in the works to de-silt the brook, which forms part of its habitat. This would be secured via condition.
- 7.15 The masterplan shows a partial re-route of the Bilborough Brook, which represents a more significant impact than that outlined in the EclA. The EclA only considers impacts of re-profiling of banks and some de-silting and there is no mention of a complete re-route. The inconsistency between the masterplan and the EclA is disappointing given the previous decision included a reason related to the

inadequacy of the ecological data. However, in this case the impact of this proposal is restricted to a particular part of the site and it is felt reasonable that this could be controlled via condition. Such condition could restrict any deviation in the course of the existing brook until appropriate assessment and if necessary mitigation had been submitted and approved. On balance it is considered that this matter alone is not sufficient to sustain the ecological reason for refusal and that subject to numerous detailed conditions, the ecological impact will be satisfactory in compliance with policies NE2, NE3, R1b and R6d of the Local Plan.

- 7.16 In terms of the impact on trees, the Council's tree officer is satisfied that a further and more thorough tree survey, together with an arboricultural method statement, both secured by condition is sufficient to ensure that compliance with policies NE5 and NE6 is achieved.

### **(iii) Transport and Access (BE2, ST4 and T2)**

- 7.17 The means of access is a matter for detailed consideration within this application. The Transport Assessment concludes that the proposed development is not estimated to have a material impact on the highway network and the increase in traffic flows is likely to be comparable to daily fluctuations in traffic flow on Russell Drive.
- 7.18 In common with the previous application there has been significant objection to the proposed development from local residents on the grounds that Russell Drive is already an extremely busy road and that severe congestion is regular at peak times. In particular one objection from a local resident, with a highway consultant background, goes into significant detail on both the broader issue of traffic on Russell Drive and the specifics of the design of the junction. The objector refers to the application of 6C's Design Guide and specifically quotes that the guidance advises that restrictions on the creation of new accesses will be applied for "roads that are at or near capacity (cannot carry more traffic)". Consequently the objector submits that the access point should not be via Russell Drive and instead, in line with the 6C's Design Guide, it is preferable to have the access via a side or minor road, citing Torvill Drive which has access stubs bordering the site, as a potential alternative.
- 7.19 The principle of having an access off Russell Drive was considered acceptable during the determination of the previous application and it remains the case that there is insufficient evidence to reasonably conclude that Russell Drive is 'at or near capacity'. The Annual Average Daily Traffic (AADT) flows for Russell Drive are approximately 13950 and without prejudice to the acceptability of the junction design, it is not considered that the addition of up to 110 houses would have a material detrimental impact on the flow of traffic along this route.
- 7.20 The ability of the proposed junction to accommodate traffic associated with 140 new dwellings on the previous application resulted in an objection from Highways and consequently formed a reason for refusal. As a result of the reduction of dwellings to a maximum of 110, Highways have confirmed that the proposed junction will be able to accommodate the traffic generated by the development without a requirement for a right turning lane. Whilst the particular local resident referred to in paragraph 7.16 maintains that trip generation of the proposed development still significantly exceeds the guidance for providing right turning lanes (500 vehicles per day - Design Manual for Roads and Bridges (DMRB), TD 42/95) and therefore should still be considered unacceptable, Highways conclude that



exceeding the indicative threshold by the reduced amount (935 trip on original application to 735 on this application) represents a significant improvement and that it would be unreasonable to apply the guidance too rigidly. The application proposals include a contribution towards pedestrian crossing improvements on Russell Drive, which would be secured by a Section 106 Agreement. Based on the above it is considered that this application addresses the previous reason for refusal related to the access and the reduced number of dwellings means that the access design is deemed acceptable.

#### **(iv) Flood Risk and Drainage (Policy NE10)**

- 7.21 The applicant submits that the development will bring about benefits in terms of flood risk and drainage, largely as a result of utilising sustainable drainage techniques and improvements to water quality. The Environment Agency are satisfied with the approach adopted in the Flood Risk Assessment and Drainage Strategy, and subject to conditions which require the implementation of the works proposed to the watercourse and that a surface water drainage scheme be submitted, approved and implemented, they consider that the proposal will comply with the requirements of the NPPF. It is considered that the development would be at a low risk of flooding and that appropriate measures are proposed to mitigate the impact of increased run off rates. The implementation of Sustainable Urban Drainage Systems will lead to improved water quality entering Martin's Pond. Having regard for the above the proposal will therefore comply with the requirements of Policy NE10 of the Local Plan.

#### **(v) Layout, Urban Design and Amenity (Policies ST1, H2, H3, R2, R3, BE1, BE2, BE3, BE5 and T3)**

- 7.22 The application seeks outline planning permission with layout and design amongst the matters that are reserved for further consideration if the principle of the development is approved. This report has already identified that building on the allotments within the western portion of the site remains an unacceptable approach but notwithstanding the concerns over the principle of the land use, it is considered that in some respects the masterplan is appropriate in urban design terms.
- 7.23 The indicative layout shows that the development could provide a range of house types, including a significant proportion of family houses which accords to objectives of Policies ST1 and H3. The layout demonstrates the potential to achieve areas of character and identity with houses addressing streets and key corners and the integration of the swale within the development. This feature is proposed as multi-functional in that it addresses environmental issues with regard to the contaminated water course, creates a characterful feature within the heart of the residential development and will help connect residents to Martin's Pond. In addition to the swale corridor, the Design and Access Statement identifies zones within the development including residential streets characterised by tree planting, residential squares defined with different materials at key points of the site and small clusters of housing served via private drives incorporating mini swale features and soft landscaping. The proposed layout is based on a good range of house sizes and at a density of approximately 29 dwellings per hectare, is not out of character with surrounding residential areas and is therefore considered to satisfy Policy H2.
- 7.24 The revised position of the proposed public open space represents a significant improvement from the masterplan proposed under the previous application. This

results in a good sized area of open space at the heart of the development which relates well to the proposed housing and Martin's Pond. A criticism levelled at the previous scheme in the 2012 committee report was that the masterplan segregated different proposed land uses and whilst the replacement allotments are divided into two sections, overall there is much better integration between land uses.

- 7.25 In relation to amenity, the masterplan shows some improvements with regard to the relationship with existing properties on Torvill Drive compared to the previous application. It appears that the gardens areas of some of the proposed properties to the rear of 66-74 Torvill Drive have been indicatively extended to approximately 15m in length, although other properties still appear to have rear gardens limited to approx 10m in length. It is considered that the amended indicative layout is an improvement to the original scheme and makes the amenity impact more balanced in terms of compliance with Policies H2 and BE3. Whilst in its present form the layout (as shown on the submitted masterplan) would still be considered unacceptable in relation to amenity impacts, it is accepted that the relationship between existing and proposed dwellings is now capable of being addressed at the reserved matters stage due to the reduction in density of the scheme. Given that the application is not seeking a specific number of units, any detailed layout could be driven by accommodating the amenity constraints of the site. In this regard it is recommended that as a result of the level differences and the change in the character of the site brought about by the proposed development, dwellings sited adjacent to the boundary with Torvill Drive should have a minimum 15m rear garden depth to ensure acceptable levels of amenity for occupiers of both existing and proposed dwellings.
- 7.26 Although a footpath is shown up to the northern boundary of the site with Torvill Drive it remains the case that the applicant is not proposing a connecting route. Consequently it is considered that the proposed development fails to capitalise on the opportunities for enhancing pedestrian permeability from and to the site contrary to the aims of Policy BE2 and emerging Policy 10 of the ACS. It is important to include such a route to increase opportunities for access to Martin's Pond from the north but also to provide an alternative route for future residents of the development to a public transport service to the north. It is acknowledged that the bus service on Torvill Drive is less regular but for the properties located close to the proposed pedestrian link, would be a much more convenient walking distance with a bus stop within approximately 110m of the proposed access to Torvill Drive. This compares to a distance of in excess of 400m for dwellings proposed on the east side of the Bilborough Brook wanting to access the Russell Drive bus services. Without a pedestrian link from Torvill Drive the benefits of the new open space and improvements to Martin's Pond will largely be restricted to residents of the development. Policy R3 states that where open space is provided within proposed development, permission will not be granted where good access is not provided. Whilst access from within the proposed development itself is suitable, access from adjoining residential areas is poor and therefore the proposal is considered to conflict with the aims of Policy R3.
- 7.27 In summary it is considered that many of the aspects that comprised reason for refusal 4 on the previous application have either been satisfied by the revised masterplan or are now sufficiently addressed that they are capable of being fully resolved through the reserved matters application and/or via conditions. Whilst the positioning of housing on the site unequivocally goes to the heart of the masterplanning issues and therefore on this basis the proposal remains unacceptable, it is acknowledged that the amended masterplan satisfies some of

the other aspects of this reason for refusal. However, the issue of permeability has not been satisfactorily addressed and it remains the case that sole access from the south to the site is poor in accessibility terms. The failure to capitalise on the opportunity to enhance permeability and to connect to the north (Torvill Drive) is considered contrary to the aims of Policy BE2 and emerging Policy 10 of the ACS and in regard to providing good access to open space, Policy R3.

#### **(vi) Housing Figures and Presumption in Favour of Sustainable Development.**

- 7.28 The National Planning Policy Framework requires local authorities to have 5 years supply of housing plus a buffer of 5% or 20% (20% if the authority has a record of persistent under delivery) . The conclusion on the previous application was that the Council did not have a five year land supply and in that particular case the presumption in favour of sustainable development was triggered. In any event it was considered that the breadth of the concerns with the previous application significantly and demonstrably outweighed the benefits of that development.
- 7.29 At the time of the determination of the previous application the Regional Spatial Strategy formed part of the Development Plan and it was against the Regional Spatial Strategy that housing supply was considered in that case. This has since been revoked and no longer can be a consideration. Due to the advanced stage of the ACS and that this Council's housing provision has a high degree of certainty, it is considered entirely reasonable to apply the ACS in considering housing requirements in terms of paragraph 47 of the NPPF.
- 7.30 The Council is basing its supply on a 5% buffer. The Council's 5 year land supply (2014-19) currently stands at 5,525 dwellings (based on Housing Land Availability Information as at March 2013). The Aligned Core Strategy is based on the housing provision over the plan period being broken down into three, five year tranches. Housing delivery for Nottingham City is anticipated to be lower in the first tranche, increasing in the second tranche, before decreasing slightly in the third tranche. The 5 year housing supply calculation takes account of this anticipated pattern of delivery. Using the Core Strategy phased housing figures (2013-18:4,400 and 2018-23:5,950) with a 5% buffer produces a requirement to have a supply of 4,935 dwellings over 2014-19. Based on this the Council would have a supply figure of 5.60 years and would meet the requirements of the NPPF. Whilst it is recognised that the ACS is not yet adopted, it is at an advanced stage of preparation and as reported above carries significant weight in decision making.

#### **(vii) Section 106 Matters**

- 7.31 The proposed development results in the requirement for a number of provisions or financial contributions that would be secured through a Section 106 Agreement. A draft Agreement has been submitted with the application. This will secure 20% of the dwellings being affordable housing, based on 20% of that provision being for affordable rent, 55% social rent and 25% intermediate to buy tenure.
- 7.32 A contribution towards both primary and secondary school education has been agreed on a formula basis. If calculated based on the maximum number of dwellings this would derive a figure of £365,184. It is noted that as with the previous application there has been significant concern from local residents over the impact of the development on capacity of local schools. However, as the applicant has agreed to secure an appropriate contribution to education through a Section 106 Agreement, this is considered to have satisfied this issue.

- 7.33 An off-site highway contribution of £50,000 has been offered in respect of pedestrian crossing improvements on Russell Drive and £40,000 for improvements to two bus stops on Russell Drive. Furthermore each household would be given a free kangaroo travel pass by the applicant to encourage use of public transport. These measures are considered to comply with the requirements of Policy T2 of the Local Plan. In addition the draft Agreement requires the applicant to construct footpath up to the boundary with Torvill Drive, although there is no obligation to make a connection.
- 7.34 A contribution of £150,000 to the Council has been offered by the applicant to enhance Martin's Pond and Harrison's Plantation. The improvements proposed to the Bilborough Brook would be secured by condition in the event of planning permission being granted.
- 7.35 The draft Section 106 Agreement makes no offer with regard to a public open space contribution. The public open space proposed in this application, including the provision of a playground, is considered to be a significant enhancement from the previous scheme where it was poorly located. The Supplementary Planning Guidance for the provision of Local Open Space in New Residential Development dated 1997, updated 2011, is the relevant document for calculating the open space contribution required for the development. Generally the Wollaton area is well served in relation to public open space with the exception of children's play areas, as demonstrated by the Breathing Space Strategy. Any contribution is only justified where it meets the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 in that the planning obligation sought is:
- (a) necessary to make the development acceptable in planning terms,
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
- 7.36 The applicant considers that the provision of on-site play facilities should be sufficient to address the above requirements and hence no additional financial contribution should be required. Based on the indicative mix of dwellings provided it has been calculated that the development would yield a total of 243 child bed spaces. The SPG applies a cost of £67.53 per m<sup>2</sup> for an equipped play area and states that 6m<sup>2</sup> per bed space should be provided. This equates to a contribution of £98,458.74, which is likely to be in excess of the cost of providing the playground on site. It is maintained that it is reasonable to suggest that if the cost of the playground is less than this figure, the applicant makes a contribution for the balance which will be spent off-site. This contribution would be directed towards the upgrade of Wollaton Park Playground which is identified as a City Equipped Play provision scale of facility, one that is designed to attract people from further afield and address different needs than the neighbourhood level facility proposed in the application site. It is considered that this is reasonable as it is contributing to the open space requirements of the future occupiers of the development by enhancing the experience of a visit to such a facility. Whilst any contribution ultimately payable may be relatively small, in the absence of any details as to the on site facility to be provided it is impossible for the Council to be certain that it will satisfy the policy requirement. It would be possible for an obligation to be drafted in such a way to take account of the on site provision in the calculation of the need for and scale of any financial contribution required. However, the lack of a commitment to such an obligation results in future occupiers not receiving the full benefits of the open space requirements as set out in the SPG. It is therefore considered that as with the previous application, this is justified as a reason for

refusal.

- 7.37 The other matter absent from the draft Section 106 Agreement is any reference to future management and maintenance of the replacement allotments. The applicant considers that this matter should be capable of being addressed through planning conditions. However, given that the terms of the management plan will be required to be strictly defined and complex, a planning obligation would provide a more stringent means of enforcement and strongest level of commitment by the applicant to address the wider concerns regarding the past management of the site. It is felt justified therefore to require this as part of the Section 106 package. This matter adds to the overall concern that the compensation measures proposed by the applicant are insufficient to outweigh the harm caused by the loss of the existing allotments.

#### **(vii) Conclusion**

- 7.38 As with the previous proposal this application requires the assessment of a range of complex issues to strike a balance between the potential benefits and adverse impacts of the development. It is considered that the two technical reasons for refusal on the previous application relating to ecological and access matters have been sufficiently addressed. Whilst the acceptability of the proposed development on the ecological value of the site still attracts a high level of objection from residents, the updated surveys have demonstrated that subject to a comprehensive mitigation strategy, the ecological impact complies with the requirements of the NPPF and the Local Plan Policies NE2 and NE3. The removal of the objection from Highways on the grounds of reduced dwelling numbers is considered justified and the proposed access is appropriate for a development of the size proposed. Whilst significant concerns remains from objectors about traffic generally, it is not considered that the development would have a material detrimental impact on the highway network.
- 7.39 This application however does not differ significantly from the refused scheme in terms of the impact on existing allotments and the proposed replacement offer. It remains the case that building on the best used allotments on the site is not a satisfactory approach and the compensations proposals do not outweigh the harm caused by the loss of these particular allotments, which are within the Open Space Network. It is therefore considered that this remains a justified reason for refusal of the application.
- 7.40 The significant enhancement in terms of the layout relates to the position of the public open space within the latest masterplan. The masterplan reason for refusal on the previous application largely related to the segregation of uses on the site and the principle issue of building on well used allotments. The re-positioning of the proposed open space addresses the first point to a large degree and it is considered that a separate reason for refusal which refers to the flaw of the masterplan of building on existing well used allotments would be repetitious. Whilst the amenity issues are capable of being resolved at the reserved matters stage, the issue of a lack of permeability has not been satisfactorily addressed and in itself remains sufficient concern to justify a reason for refusal.
- 7.41 Although the masterplanning of the site has been improved from the previous scheme and technical issues regarding ecology and access/transport resolved, the benefits of this do not outweigh the harm caused by the loss of the existing allotments and the other residual matters concerning the public open space



contribution and lack of permeability, as set out in the report. It is therefore recommended that the application be refused for the reasons outlined in the Recommendations.

**8 SUSTAINABILITY / BIODIVERSITY**

The issues with biodiversity are dealt with comprehensively in paragraphs 7.10-7.14 of the report. The Energy Statement has identified that the most feasible strategy for reducing energy demand and carbon emissions on this development is the introduction of integrated renewable energy systems such as Photovoltaic (PV) panels. It is considered that the scheme can deliver the 10% reduction in carbon emissions required, along with other sustainable design benefits, subject to further details of the scheme being conditioned. The application therefore complies with the aims of Policy BE4 of the Local Plan.

**9 FINANCIAL IMPLICATIONS**

The refusal of the planning application would mean that the planning obligations normally delivered by a Section 106 Agreement would not be forthcoming.

**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**

There is the potential to incur cost attributable to additional officer time should planning permission be refused and the applicant appeals the decision, with the potential for costs to be awarded.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: requirement to provide a high quality and sustainable residential development

Working Nottingham: requirement to secure training and employment for local citizens through the construction of the development.

Healthy Nottingham – contributing to promoting healthy lifestyles through access to open space and recreational activities.

Safer Nottingham – designing a development that that contributes to a safer and more attractive neighbourhoods

**14 CRIME AND DISORDER ACT IMPLICATIONS**

The proposed public open space is well overlooked and represents an improvement from the previous scheme. Detailed design of the play area would need to have regard for ‘designing out crime’ criteria.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 13/03099/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/onlineapplications/simpleSearchResults.do?sessionId=1F1ED7C5AD16BA154AA1A1F321015AA8?action=firstPage>

2. Highways comments dated 30 January 2014
3. NCC Biodiversity Officer comments dated 04 February 2014
4. Noise and Pollution Control comments dated 05 February 2014
5. Severn Trent Water comments dated 05 February 2014
6. NCC Allotment Officer comments dated 11 February 2014
7. Natural England comments dated 17 January 2014
8. Coal Authority comments dated 27 January 2014
9. Environment Agency comments dated 6 March 2014
10. Councillor Battlemuch comments dated 3 February 2014
11. North Wollaton Residents Association comments dated 23 February 2014
12. Local Residents' comments (x144) between 14 January and 11 February 2014

**17 Published documents referred to in compiling this report**

1. Nottingham Local Plan (November 2005)
2. National Planning Policy Framework
3. Emerging Greater Nottingham Aligned Core Strategies (Published Version, 2012).

**Contact Officer:**

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## Appendix 1 – List of Local Residents Consulted

4 Knole Road Nottingham  
9 Cedar Grove Nottingham  
19 Bramcote Drive Nottingham  
20 Arleston Drive Nottingham  
17 Grangewood Road Wollaton  
1 Renfrew Drive Nottingham  
128 Wollaton Vale Nottingham  
41 Ewell Road Nottingham  
11 Brookhill Drive Nottingham  
8 Reynolds Drive Nottingham  
62 Torvill Drive Nottingham  
9 Coachman's Croft Wollaton  
8 Hillsford Close Nottingham  
48 Trowell Road Nottingham  
36 Trowell Road Nottingham  
The Committee Of NWRA 68 Torvill Drive  
39 Wollaton Vale Nottingham  
5 Arleston Drive Nottingham  
2 Jayne Close Nottingham  
45 Arleston Drive Nottingham  
8 Reynolds Drive Nottingham  
777 Wollaton Road Nottingham  
29 Caxmere Drive Nottingham  
78 Ranelagh Grove Nottingham  
19A Brendon Road Nottingham  
9 Trowell Road Nottingham  
30 Torvill Drive Nottingham  
7 Crawford Close Nottingham  
Flat 2 325 Woodborough Road  
20 Arleston Drive Wollaton  
52 Torvill Drive Nottingham  
11 Bridge Road Nottingham  
101 Runswick Drive Nottingham  
1 Deer Park Nottingham  
3 Tranby Gardens Nottingham  
24 Caxmere Drive Nottingham  
57 Torvill Drive Nottingham  
7 Welwyn Road Nottingham  
88 Russell Drive Nottingham  
100 Russell Drive Nottingham  
19 Arleston Drive Nottingham  
341 Wollaton Road Nottingham  
17 Russell Crescent Nottingham  
29 Harrow Road Nottingham  
6 Caxmere Drive Nottingham  
64 Russell Avenue Nottingham  
4 Lambourne Drive Nottingham  
22 Oakfield Road Nottingham  
5 Ranelagh Grove Nottingham  
2 Tranby Gardens Nottingham  
67 Brendon Road Nottingham  
568 Wollaton Road Nottingham  
82 Woodbank Drive Nottingham  
76-120 Russell Drive Nottingham (evens only)  
120 Russell Avenue Nottingham  
118 Russell Avenue Nottingham  
80-100 Russell Avenue Nottingham (evens only)



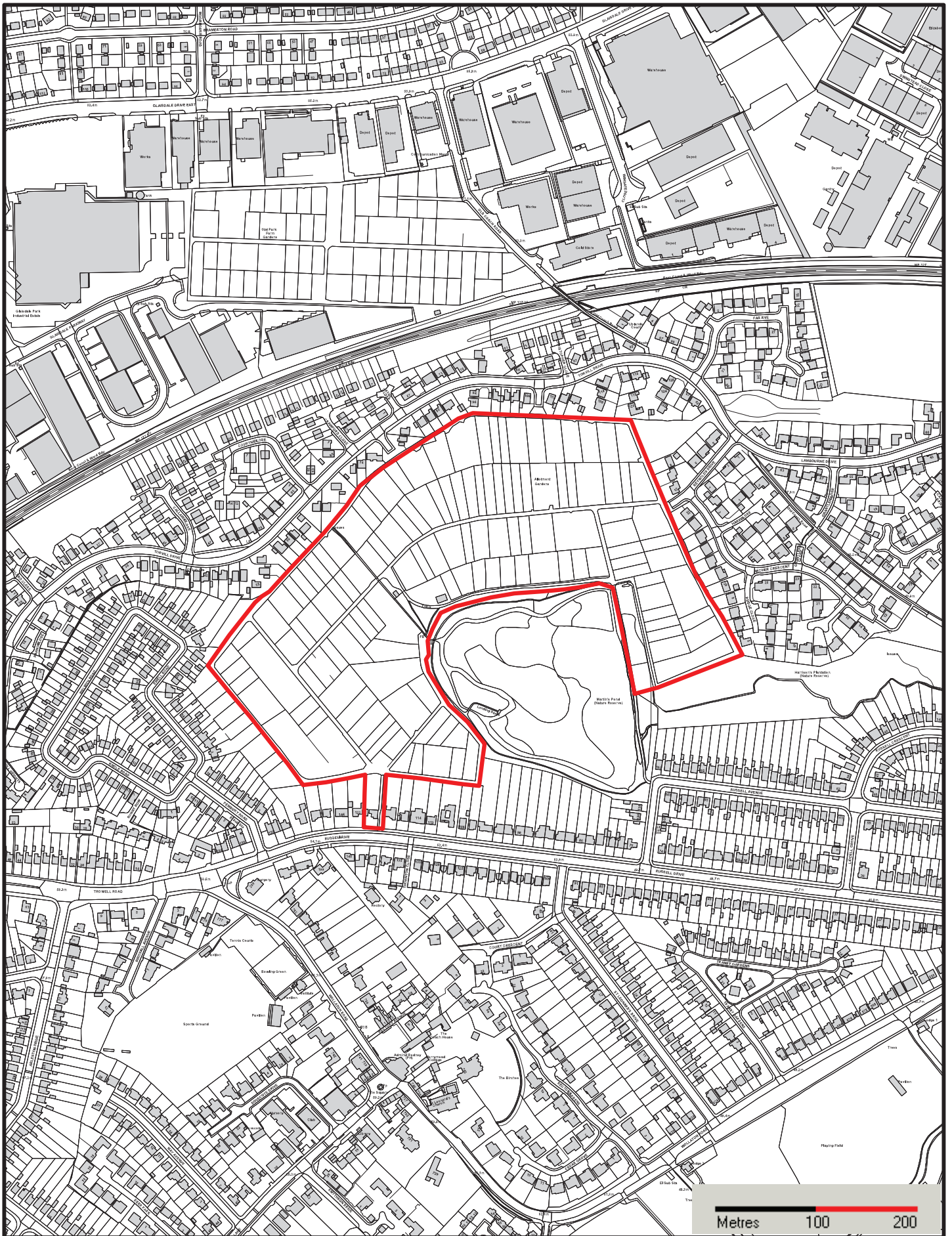
75 Russell Avenue Nottingham  
1 Liddell Grove Nottingham  
38 Russell Drive Nottingham  
44 Russell Drive Nottingham  
46 Russell Drive Nottingham  
48 Russell Drive Nottingham  
54-74 Russell Drive Nottingham (evens only)  
81-91 Russell Avenue Nottingham (odds only)  
95 Russell Avenue Nottingham  
60 Russell Drive Nottingham  
52 Russell Drive Nottingham  
50 Russell Drive Nottingham  
42 Russell Drive Nottingham  
26 Western Boulevard Nottingham  
745 Wollaton Road Nottingham  
26 St Leonards Drive Nottingham  
36 Torvill Drive Nottingham  
76 Lambourne Drive Nottingham  
24 Cambridge Road Nottingham  
94 Ranelagh Grove Nottingham  
52 Dean Close Nottingham  
23 Caxmere Drive Nottingham  
572 Wollaton Road Nottingham  
12 Goodwood Road Nottingham  
14 Goodwood Road Nottingham  
16 Goodwood Road Nottingham  
21 Rosehip Close Fair Oak  
76 Torvill Drive Wollaton  
16 Ewell Road, Wollaton,  
12 Russell Drive Nottingham  
9 Hambledon Drive Nottingham  
15 Ellwood Crescent Nottingham  
173 Harrow Road Nottingham  
94 Russell Avenue Nottingham  
146 Russell Drive Nottingham  
7 St. Leonards Drive Wollaton  
20 Trowell Avenue Nottingham  
5 Mapledene Crescent Nottingham  
35 Mapledene Crescent Nottingham  
82 Elvaston Road Nottingham  
107 Ranelagh Grove Nottingham  
Lodge 2 Wollaton Park Wollaton Road  
230 Charlbury Road Nottingham  
30 Far Rye Nottingham  
6 Deer Park Nottingham  
35 Lambourne Drive Nottingham  
39 Ashchurch Drive Nottingham  
3 Wheat Close Nottingham  
4 Tonbridge Mount Nottingham  
141 Bramerton Road Nottingham  
1 Babbington Court NG9 5BT  
35 Russell Crescent Nottingham  
2 Ewell Road Nottingham  
66 Lambourne Drive Nottingham  
22 Welwyn Road Nottingham  
17 Caxmere Drive Nottingham  
1 Uplands Court Lambourne Drive  
2 Ewell Road Nottingham  
78 Lambourne Drive Nottingham

12 Cambridge Road Nottingham  
40 Russell Drive Nottingham  
105 Russell Avenue Nottingham  
103 Russell Avenue Nottingham  
102 Russell Avenue Nottingham  
101 Russell Avenue Nottingham  
99 Russell Avenue Nottingham  
97 Russell Avenue Nottingham  
93 Russell Avenue Nottingham  
87 Russell Avenue Nottingham  
61-79 Russell Avenue Nottingham  
32 Archer Crescent Nottingham  
5-8 Rudge Close Nottingham  
2-12 Reynolds Drive Nottingham (evens only)  
29-35 Archer Crescent Nottingham  
42 Torvill Drive Nottingham  
40 Ewell Road Nottingham  
38 Ewell Road Nottingham  
36 Ewell Road Nottingham  
199 Russell Drive Nottingham  
90 Torvill Drive Nottingham  
92 Torvill Drive Nottingham  
98 Torvill Drive Nottingham  
108 Torvill Drive Nottingham  
112 Torvill Drive Nottingham  
65 Lambourne Drive Nottingham  
126 Torvill Drive Nottingham  
124 Torvill Drive Nottingham  
122 Torvill Drive Nottingham  
120 Torvill Drive Nottingham  
78 Lambourne Drive Nottingham  
24 Welwyn Road Nottingham  
26 St Leonards Drive Nottingham  
3 Beckford Close Tisbury  
2 Ewell Road Nottingham  
116 Russell Drive Nottingham  
22 Welwyn Road Nottingham  
66 Lambourne Drive Nottingham  
36 Torvill Drive Nottingham  
10 Deepdale Road Nottingham  
22 Russell Crescent Nottingham  
24 Torvill Drive Nottingham  
6 Wollaton Paddocks Nottingham  
45 Brendon Road Nottingham  
20 Far Rye Nottingham  
4 Grantleigh Close Nottingham  
2 Grantleigh Close Nottingham  
24 St. Leonards Drive Wollaton  
66 Lambourne Drive Nottingham  
22 St. Leonards Drive Wollaton  
24 St. Leonards Drive Wollaton  
44 Arleston Drive Nottingham  
43 Charlecote Drive Nottingham  
85 Torvill Drive Nottingham  
2 May Avenue Nottingham  
45 Brendon Road Nottingham  
9 Tom Blower Close Nottingham  
104 Dunkirk Road Nottingham  
12 Spean Court Wollaton Road

3 Rectory Gardens Nottingham  
27 Tom Blower Close Nottingham  
94 Ranelagh Grove Nottingham  
23 Forester Road Mapperley  
145 Russell Drive Nottingham  
17 Grangewood Road Nottingham  
4 Barbrook Close Nottingham  
82 Russell Drive Nottingham  
31 Ewell Road Nottingham  
16 Ellwood Crescent Nottingham  
2 Torvill Heights Nottingham  
1 Thornton Close Nottingham  
8 Eton Grove Nottingham  
26 Wollaton Vale Nottingham  
9 Tidworth Close Nottingham  
19 Finsbury Road Bramcote  
12 Beaurepaire Crescent Belper  
23 Caxmere Drive Nottingham  
46-118 Torvill Drive Nottingham (evens only)  
2-34 Ewell Road Nottingham  
Apartment B 201 Russell Drive  
Apartment A 201 Russell Drive  
Ground Floor Flat 201 Russell Drive  
156A Russell Drive Nottingham  
154A Russell Drive Nottingham  
205 Russell Drive Nottingham  
156 Russell Drive Nottingham  
154 Russell Drive Nottingham  
203 Russell Drive Nottingham  
152 Russell Drive Nottingham  
2-18 Pembury Road Nottingham  
109-145 Russell Drive Nottingham (odds only)  
35-91 Russell Drive Nottingham (odds only)  
96-102 Russell Drive Nottingham  
144-150 Russell Drive, Nottingham  
15 Goodwood Road Nottingham  
109 Harrow Road Nottingham  
2 Thornton Close Nottingham  
9 Ancaster Gardens Nottingham  
140 Trowell Road Nottingham  
14 Deepdale Road Nottingham  
14 Cambridge Road Nottingham  
20 Russell Drive Nottingham  
72 Runswick Drive Nottingham  
2 Courtney Close Nottingham  
70 Lambourne Drive Nottingham  
136 Parkside Nottingham  
191 Wollaton Road Nottingham  
58 Ranelagh Grove Nottingham  
19 Finsbury Road Bramcote  
28 Runswick Drive Nottingham  
94 Russell Drive Nottingham  
28 Runswick Drive Nottingham  
22 Tom Blower Close Nottingham  
18 Corbiere Avenue Watnall  
118 Russell Avenue Nottingham  
15 Crawford Close Nottingham  
25 Caxmere Drive Nottingham  
9 Ewell Road Nottingham

131 Russell Drive Nottingham  
46 Ewell Road Nottingham  
85 Russell Avenue Nottingham  
20 St Leonards Drive Nottingham  
5 Ashford Rise Nottingham  
28 Ewell Road Nottingham  
11 Burnbreck Gardens Nottingham  
6 Rudge Close Nottingham  
5 Far Rye Nottingham  
12 Pembury Road Wollaton  
63 Russell Drive Wollaton  
7 Coachman's Croft Wollaton  
1 Calloway Close Martin's Field  
61 Trowell Road Wollaton  
8 Pembury Road Nottingham  
17 Grangewood Road Nottingham  
82 Elvaston Road Nottingham  
41 Bramcote Lane Nottingham  
1 Sunny Row Nottingham  
3A Rectory Avenue Nottingham  
15 Dean Close Nottingham  
44 St. Leonard's Drive Wollaton  
37 St. Leonard's Drive Wollaton  
3 Cambridge Road Nottingham  
19 Finsbury Road Bramcote  
23 Caxmere Drive Nottingham  
43 Russell Avenue Nottingham  
18 Russell Crescent Nottingham  
58 Brendon Road Nottingham  
67 Torvill Drive Nottingham  
114 Torvill Drive Nottingham  
72 Torvill Drive Nottingham  
44 Brookhill Drive Nottingham  
10 Tranby Gardens Nottingham  
2 Birdsall Avenue Nottingham  
12 Russell Avenue Nottingham  
12 Pembury Road Nottingham  
12 Meadow View Southwell  
11 Yeoman's Court Clumber Road West  
31 Burnbreck Gardens Nottingham  
Additional residents also consulted by email.





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**My Ref:** 13/03099/POUT

**Your Ref:**

**Contact:** Mr Mark Bassett

**Email:** development.management@nottinghamcity.gov.uk



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Freeth Cartwright LLP  
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Cumberland Court  
80 Mount Street  
Nottingham  
NG1 6HH

Date of decision:

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

---

Application No: 13/03099/POUT  
Application by: Commercial Estates Group  
Location: Radford Bridge Allotments, Wollaton, Nottingham  
Proposal: Outline application for residential development and regeneration of allotments incorporating new public open space, access, drainage infrastructure and ecological enhancement.

---

Nottingham City Council as Local Planning Authority hereby **REFUSES OUTLINE PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. The proposed development would result in the unacceptable loss of allotments and part of the open space network and fails to adequately compensate for these losses. The proposal is not in accordance with Policies R1 and R6 of the Nottingham Local Plan (2005) and Policies 10 and 16 of the Emerging Nottingham Aligned Core Strategy.
2. The proposed development does not adequately integrate with surrounding existing development in regards to permeability, failing to provide satisfactory access to the proposed open space. Accordingly the proposal is contrary to the aims of Policies BE2 and R3 of the Nottingham Local Plan (2005) and Policy 10 of the Emerging Nottingham Aligned Core Strategy.
3. The proposed development fails to include a satisfactory financial contribution towards public open space and is not in accordance with Policy R2 of the Nottingham Local Plan (2005).

**Notes**

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



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Page 46  
- 1 -

Continued...

## RIGHTS OF APPEAL

Application No: 13/03099/POUT

If the applicant is aggrieved by the decision of the City Council to refuse 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](http://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.



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Page 47

- 2 -



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WARDS AFFECTED: St Anns

Item No:

**PLANNING COMMITTEE**  
**19th March 2014**

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Sycamore Inn, 42 Hungerhill Road**

**1 SUMMARY**

Application No: 13/03063/PFUL3 for planning permission

Application by: Design Office RBC SYL on behalf of Nottingham Central  
Congregation Of Jehovah's Witnesses

Proposal: Erection of place of worship including residential accommodation  
following demolition of existing public house.

The application is brought to Committee because it has raised significant public interest and Ward Councillors have objected.

To meet the Council's Performance Targets this application should have been determined by 12th February 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 relates to the site of the Sycamore Inn, a public house which stands on the corner of Hungerhill Road at its junction with Abbotsford Drive. The existing building has two storey and single storey elements with flat roofs and occupies the north eastern side of the site. The associated car park, with vehicular access off Abbotsford Drive, is to the south west of the building. The site is enclosed by a concrete retaining wall and railings.

3.2 The site is located within a Primarily Residential Area and is adjoined by residential properties on Abbotsford Drive, Lavender Walk and Heather Close to the south west and north west. There are further residential properties to the south east of the site, on the opposite side of Abbotsford Drive. To the north east, on the opposite side of Hungerhill Road, is a recreation ground and allotments.

3.3 The Sycamore Inn is still trading as a public house at present. However, a letter received from the owners of the property (Trust Inns) confirms that the current tenant has given notice to terminate their tenancy at the premises due to the economic downturn. The letter from the owners gives extensive detail of the financial reasons for their decision to market the property.

## **4 DETAILS OF THE PROPOSAL**

- 4.1 The application seeks permission to demolish the existing public house and construct a place of worship (Kingdom Hall). The new building would be single storey with a series of hipped roofs and would occupy a similar footprint to the existing public house. The existing car park would be utilised to provide 31 spaces (including 2 disabled bays) with an additional 12 spaces (resulting in tandem parking) for overflow parking. The car park and remaining external areas around the site would be soft landscaped and the existing concrete retaining walls would be re-clad with brick. New 2m high railings would enclose the site.
- 4.2 The building would be of brick construction with a tiled roof. Although relatively simple in design, reflecting the ethos of the intended user, fenestration and architectural detail such as an entrance porch and a small tower feature would add interest to the building. Internally, the building would provide a large meeting hall and three smaller rooms as well as kitchen and wc facilities. The building would also include a one bedroom flat to provide accommodation for travelling ministers.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

Letters were sent to the following neighbouring addresses;

1-9 (inc) 11-21 (odds) Abbotsford Drive  
1-13 (odds) Heather Close  
36-40 (evens) Hungerhill Road  
1-13 (odds) Lavender Walk  
Living Accommodation over Sycamore Inn

A site notice was posted on 14<sup>th</sup> January 2014.

Ward Councillors were also notified of the application.

12 letters of representation were received in response to publicity. 9 letters from local residents and an additional letter from Nottingham CAMRA (Campaign for Real Ale) raising the following objections to the proposals:

- The public house is a valuable community facility used by many local people
- The Council should facilitate the continued use of the building as a public house, in line with a recent government motion to call for policies to support and promote pubs, by refusing the application
- There is no evidence that the public house is not viable
- The proposed materials are not in keeping with surrounding concrete houses
- There does not appear to be any provision for a car park. The congregation would therefore rely on public transport
- The hours of use would conflict with travelling times to and from schools, resulting in a risk to the safety of children
- The proposal would give rise to unwanted canvassing in the area

One letter of support from a City resident was received, in which the following points were raised:

- The design of the building is good, especially the tower on the roof, which adds interest to the planned building's roofline
- The planned building looks like a great improvement on the utilitarian prefab style building it replaces. This is in-line with national planning policy about 'replacing poor quality buildings with better design'
- The re-cladding of the concrete walls in brick to improve and strengthen them, is also supported

A letter of support from the owners of the building (Trust Inns) was also received, in which the following points were raised;

- Changes in demographics of the surrounding area have had a dramatic impact upon the sales and profitability of the site, resulting in it no longer being commercially viable
- The pub has not provided a sustainable profit for tenants or owners for the last decade. Since 2009, the site has experienced a dramatic decline in trade
- Data has been provided to demonstrate significant annual losses since 2012.
- The Sycamore Inn does not have a financially viable future as a public house and as such has been brought to market

A further letter of objection was received from the three Ward Councillors, raising the following objections to the proposal;

- The proposal would result in the loss of a valuable community facility
- The proposed use would create a much wider range of traffic problems within the area

**Additional consultation letters sent to:**

**Pollution Control:** No objection.

**Highways:** No objection. Conditions requiring details of cycle parking, sustainable drainage and bin storage and collection, are recommended.

**Biodiversity and Greenspace Officer:** No objection. The submitted emergence survey is sufficient to determine that there are no roosting bats within the building. No further surveys are required. A condition requesting a revised landscaping scheme is recommended (to remove species prohibited under the Wildlife and Countryside Act).

**6 RELEVANT POLICIES AND GUIDANCE**

**National Planning Policy Framework (2012):**

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 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.

**Nottingham Local Plan (November 2005):**

- 6.3 The following policies have been saved and are considered to be relevant to assessment of the application. The policies are considered to be consistent with the NPPF and therefore should be attributed full weight in the decision making process.

ST1 - Sustainable Communities.

CE1 - Community Facilities.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE5 - Landscape Design.

NE3 - Conservation of Species.

NE9 - Pollution.

NE14 - Energy.

T3 - Car, Cycle and Servicing Parking.

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main Issues**

- (i) Principle of the development
- (ii) Design and impact upon the streetscene
- (iii) Impact on residential amenity
- (iv) Highway Safety and Parking

**Issue (i) Principle of the Development (Policy CE1)**

- 7.1 The proposal would result in the loss of a public house (use class A4) to be replaced with a place of worship (Use Class D1). Concerns have been raised by local residents in relation to the loss of the public house as it is viewed as a valuable community facility. Residents have been made aware, through information passed to Ward Councillors, about their option to nominate the site as an Asset of Community Value. The City Council have not received any nominations for this site.
- 7.2 Concerns have been raised by CAMRA and local residents about the lack of evidence relating to the viability of the Sycamore Inn. Since these objections were raised, a letter has been submitted by the owners of the public house (Trust Inns) which provides extensive detail to demonstrate how and why the public house has become financially unviable. There is no case in planning policy terms for the

retention of the public house, particularly as the proposal seeks to replace the existing building and use with a community facility in the form of a place of worship. The proposed residential accommodation would not be dissimilar to that provided within the existing public house and as such is considered to be acceptable.

- 7.3 The proposed Kingdom Hall would serve two congregations, one for the central area (which includes the St Anns area) and one for the lenton area. For some, the building would be located within walking distance and others would benefit from the well served bus routes which operate in the area. The proposed car park would also provide a total of 43 spaces (when using overflow spaces) which is considered to be sufficient for both congregations (approximately 70 people) particularly in light of the public transport facilities in the vicinity. Given the nature of the existing use on the site, which benefits from late night opening hours and a license for the sale of alcohol, and taking account of the proposed hours of use of the place of worship as detailed below, it is not considered that the proposal would result in any significant increase in traffic or congestion or result in any additional noise and disturbance for nearby residential occupiers. It is therefore considered that the proposals would comply with policy CE1 of the Local Plan.

#### **Issue (ii) Design and impact upon the streetscene (Policies BE2, BE3 and BE5)**

- 7.4 The existing public house building has a flat roof and is utilitarian in appearance, currently showing signs of the need for maintenance and repair. It is not considered to be of any merit architecturally and does not make any positive contribution to the character and appearance of the wider streetscene. The proposed building would be similar in scale to the existing, would occupy a similar footprint and would, therefore, be a suitable replacement on this site. Although relatively simple in design, it would introduce a new palette of materials and provide sufficient architectural detailing to add interest to the roof and elevations of the building. The building would represent a significant improvement on the existing, in terms of design quality and would enhance the overall character and appearance of the streetscenes on Abbotsford Drive and Hungerhill Road.
- 7.5 The re-cladding of the retaining walls around the site and introduction of new metal railings would further improve the appearance of the site giving it greater street presence. The proposed landscaping scheme would enhance the setting of the building and soften the visual impact of the built form and car parking area. As detailed above in relation to the principle of development and below in relation to impact on residential amenity, the car parking provision is also considered acceptable. In view of the above, it is considered that the proposals would comply with policies BE2, BE3 and BE5 of the Local Plan.

#### **Issue (iii) Impact on Residential Amenity (Policy BE3)**

- 7.6 The existing public house benefits from late night opening and has a licence for the sale of alcohol. The proposed place of worship would operate public services between the hours of 18.30 and 21.30 during the week and between 09.00 and 18.00 at weekends. It would be open for general use between the hours of 09:00 and 22:00. As such, it is not considered that the proposed use would result in any significant increase in noise or disturbance for neighbouring residential occupiers and would in fact be likely to be considerably less disturbing to local residents due to the reduced opening hours and nature of activities associated with the use of the building. A condition to restrict the hours of use to 09:00 – 22:00 is recommended.



- 7.7 The proposed building would be located at a distance of approximately 16m from the nearest properties to the north west (on Heather Close) which also stand at an elevated ground level. As such it is not considered that the building would have any significantly greater physical impact upon these properties, than the existing public house.
- 7.8 The proposed residential flat would be ancillary to the place of worship and a condition to prevent it being occupied independently is recommended in order to avoid any future conflict between worshipers and residential occupiers. The proposed accommodation would provide adequate sized rooms with sufficient access to light and outlook. Taking account of the above, it is considered that the proposal would comply with policies BE3 and CE1c) and e) of the Local Plan.

#### **Issue (iv) Highway Safety and Parking (Policies BE2 and T3)**

- 7.9 The existing car park would be retained to provide a total of 43 spaces (including overflow spaces) for the users of the Kingdom Hall. This is considered to be sufficient provision given that some members of the congregation would travel by foot and on public transport. In addition, there will be shared car usage and it is unlikely that all members of the congregation would attend the same meeting at once. As such it is not considered that the proposals would result in any significant increase in traffic congestion or demand for off street parking, to the detriment of local residents and other road users. The car park layout and bay sizes are existing and as such are acceptable. Concerns have been raised by residents about the potential conflict between times of service and school travel. These concerns are considered unlikely to materialise given that the services would not begin until 18.30 during the week. In view of this, it is unlikely that the proposals would give rise to any significant highway safety issues.
- 7.10 Given that the place of worship would serve the local community, it is considered appropriate to request details of cycle storage provision to promote the use of sustainable transport. A condition to this effect is recommended. In view of the above, it is considered that the proposals would comply with policies BE2 and T3 of the Local Plan.

#### **Other Issues**

- 7.11 Local residents have raised concerns about the potential for increased canvassing as a result of the proposed place of worship. This is beyond the control of the Local Planning Authority and is not a material planning consideration. As such the concern cannot be afforded any significant weight in the determination of this application.

#### **8. SUSTAINABILITY / BIODIVERSITY (Policies BE4, NE3 and NE14)**

- 8.1 The proposed building would incorporate an air source heat pump and would be constructed to provide high levels of thermal efficiency. Water conservation measures would also be incorporated on the site and it is proposed to incorporate a soak-away. A condition requiring further details of sustainable drainage is recommended. The proposals would comply with policies BE4 and NE14 of the Local Plan.

- 8.2 Initial concerns were raised about the potential for roosting bats within the building, due to its proximity to the recreation ground and allotments to the north east of the site. An observational survey of the building (carried out by a qualified Ecologist) was requested and subsequently submitted. The survey provided sufficient information to demonstrate that there is no evidence of roosting bats within the building and as such no further surveys are required. The proposal would comply with policy NE3 of the Local Plan.

## **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 development within an existing community.

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: 13/03063/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MXXY8SLYCB000>

2. Highways comments dated 13.1.14

3. Pollution Control comments dated 17.1.14

4. Biodiversity Officer comments dated 6.1.14 , 4.2.14 and 10.2.14

5. Letter from Trust inns received 14.2.14

6. Letter from Ward Councillors dated 12.2.14

7. Third party representation from D Sellers received 13.1.14

8. Third party representation from CAMRA received 28.1.14

9. Third party representation from B Huggins received 3.2.14

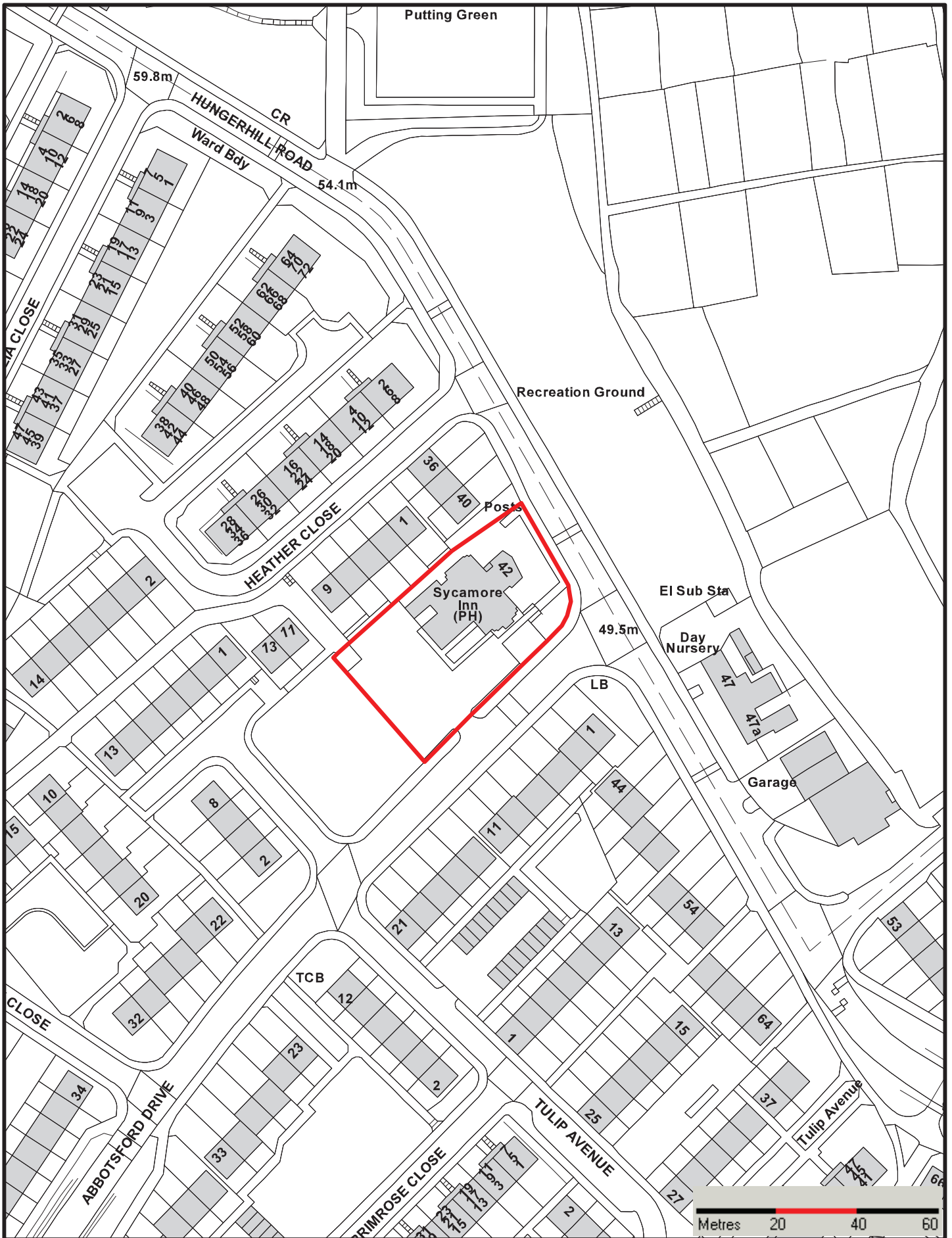
10. Third party representation from Lerosé received 3.2.14
11. Third party representation from Natalie received 3.2.14
12. Third party representation from N Dunne received 3.2.14
13. Third party representation from P Rainbow received 3.2.14
14. Third party representation from S Cupitt received 3.2.14
15. Third party representation from T Phillips received 3.2.14
16. Third party representation from Verna received 3.2.14
17. Third party representation from J Breward received 4.2.14

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)  
National Planning Policy Framework (2012)

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.  
Email: [zoe.kyle@nottinghamcity.gov.uk](mailto:zoe.kyle@nottinghamcity.gov.uk). Telephone: 0115 8764059



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**My Ref:** 13/03063/PFUL3 (PP-03055870)  
**Your Ref:**  
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Design Office RBC SYL  
Mr Chris Scholes  
Red Ridge  
Work Bank Lane  
Thurlstone  
Sheffield  
S36 9RR

Date of decision:

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

Application No: 13/03063/PFUL3 (PP-03055870)  
Application by: Nottingham Central Congregation Of Jehovah's Witnesses  
Location: Sycamore Inn, 42 Hungerhill Road, Nottingham  
Proposal: Erection of place of worship including residential accommodation following demolition of existing public house.

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

**Time limit**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Pre-commencement conditions**

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

2. The development shall not be commenced until details of all external materials of the building hereby permitted, 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.*



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Page 58

Continued...

3. The development shall not be commenced until details of all boundary enclosures, including samples of the bricks to be used to clad the concrete retaining walls, 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.*

4. The development hereby permitted shall not be begun until a revised 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.*

5. The development shall not be commenced until details of bin storage for the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

6. Notwithstanding the details contained within the submitted application, the development hereby permitted shall not be commenced until details of surface water drainage proposals, to include the provision of Sustainable Drainage Solutions, 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 sustainable development in accordance with Policy BE4 of the Local Plan.*

7. The development hereby permitted shall not be commenced until details of cycle storage provision have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To promote the use of sustainable transport in accordance with Policy T3 of the Local Plan.*

**Pre-occupation conditions**

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

8. No part of the development shall be occupied until the site boundaries have been enclosed in accordance with the approved details.

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

9. No part of the development shall be occupied until bin storage has been provided in accordance with the approved details.

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



10. No part of the development shall be occupied until the car park has been laid out in accordance with the approved plans and the spaces are available for use.

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

11. No part of the development shall be occupied until the cycle storage has been made available in accordance with the approved plans.

*Reason: In the interests of sustainable travel in accordance with Policy T3 of the Nottingham Local Plan.*

12. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building 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.*

**Regulatory/ongoing conditions**

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

13. Unless the Local Planning Authority has otherwise agreed in writing, the residential accommodation provided within the development hereby permitted, shall not be occupied other than as ancillary to the adjoining place of worship and shall not be occupied as a separate and self contained unit of accommodation.

*Reason: To safeguard the amenities of future occupiers in accordance with Policy BE3 of the Local Plan.*

14. The Place of Worship hereby permitted shall not be open for public use outside the hours of 09:00 - 22:00 on any day.

*Reason: To safeguard the amenities of occupiers of nearby residential occupiers in accordance with Policies BE3 and CE1 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:  
Location Plan reference AMENDED, received 5 February 2014  
Drawing reference HUNGR00-ARTSKETCH, received 24 December 2013  
Drawing reference 10 revision A, received 24 December 2013  
Drawing reference 11 revision A, received 24 December 2013  
Drawing reference 13 revision A, received 24 December 2013  
Drawing reference 14 revision A, received 24 December 2013  
Drawing reference 15, received 24 December 2013  
Drawing reference 17, received 24 December 2013  
Drawing reference 18, received 24 December 2013  
Drawing reference 19, received 24 December 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. With reference to condition 4, the revised landscaping scheme should not include *Cotoneaster horizontalis*. This species is listed under Schedule 9 of the Wildlife and Countryside Act, which makes it illegal to plant or otherwise cause these species to grow in the wild.

3. 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: 13/03063/PFUL3 (PP-03055870)

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](http://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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# DRAFT ONLY

## Not for issue

Page 62

- 5 -

**WARDS AFFECTED:** Dunkirk And Lenton

**Item No:**

**PLANNING COMMITTEE  
19th March 2014**

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Leengate Building, Leen Gate**

**1 SUMMARY**

Application No: 14/00141/PFUL3 for planning permission

Application by: AEW Architects on behalf of Ronald McDonald House Charities (UK)

Proposal: Ancillary managed accommodation (59 bedrooms) for the families of hospital patients.

The application is brought to Committee because it is a major application on a prominent site where there are important design considerations.

To meet the Council's Performance Targets this application should be determined by 30th April 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 located on the north side of Leen Gate and is currently occupied by a two storey office building which was constructed in the 1980s. It was originally used by the Queen's Medical Centre (QMC) housing the Trust's Estates and Facilities section together with limited treatment facilities but is now being used temporarily as offices by the NET Phase 2 project. There are currently 20 car parking spaces on the site and it has a number of trees within it on all four sides. Access to the site is from Leen Gate and then along a private access road which is also used by a nearby commercial occupier (Bell Fruit) to access their detached car park and hospital staff to access temporary car parking areas. It also provides vehicular and pedestrian access to the neighbouring residential complex, Leen Court.

3.2 The application site is bounded to the north by the former Western Club site. This is currently being used a temporary car park for hospital staff but outline planning permission was granted in 2013 for residential development. To the west is an area of surface car parking partly used by Bell Fruit with the remainder used by the hospital. To the west of this is the River Leen with the hospital campus beyond. To

the east and south is Leen Court which is an L-shaped three storey former industrial building which has been converted into apartments with car parking. Leen Gate provides one of the main access routes into the hospital campus.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 Planning permission is sought for the demolition of the existing office building and its replacement with a building to be used as managed accommodation for the families of hospital patients. The intention is to provide temporary free “home away from home” accommodation for the families of sick children who are patients in the hospital to enable them more easily to stay close to their children throughout their treatment. This would be operated by a charitable trust. There are currently 14 similar facilities elsewhere in the country and the aspiration is provide this facility in Nottingham.
- 4.2 The proposal involves the erection of a T-shaped four storey building on the site with the entrance to the building on the west elevation accessed from the private access road. It is proposed that the building be constructed in two phases. The total number of bedrooms to be provided is 59 with 39 to be built in Phase 1 and the remaining 20 to be built in Phase 2. Phase 1 would comprise the front western portion of the building and Phase 2 would be a projecting wing at the rear. In addition to the bedrooms the accommodation provides communal living facilities on each floor for the shared use of the occupiers.
- 4.3 The bulk of the building is of red multi facing brick construction but the front elevation in particular also includes glazed bricks (in four shades of green) in vertical panels in and around the main entrance, with a protruding curtain walling glazed box on the upper levels above the main entrance. The building entrance wraps around the south and west elevations to create a feature corner. The use of green glazed bricks is also carried into the south elevation which will be visible on the approach to the building.
- 4.4 To the rear of the building a landscaped garden space is proposed for the use of families staying in the accommodation. The proposal involves the retention of existing trees around the edge of the site where possible but some trees are proposed to be removed.
- 4.5 It is proposed that the 10% renewable energy requirement will be achieved by the installation of a combined heat and power (CHP) unit.
- 4.6 A total of four car parking spaces are proposed on the site frontage. These would comprise two drop-off spaces, one disabled parking space and one staff space. Six staff will be present on the premises at any one time.
- 4.7 Employment and training opportunities will arise from this development and the applicant has committed to working with the Council’s Employer Hub to deliver local construction employment opportunities.

## 5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

### Adjoining occupiers consulted:

The application has been advertised by means of a site and press notice and the following occupiers consulted:

5 -11 (odds) Martinmass Close;

1- 8 The Bayley, 1-6 The Babington, 1-9 The Galeb, 1-6 The Garland ,1- 10 The Victor ,1- 5 The Trinity, 1- 6 The Stretton, 1- 13 The Hamilton, 1- 8 The Gregory, all Leen Court

University Hospital NHS Trust Queens Medical Centre Derby Road

Bell Fruit Manufacturing, Leen Gate

T Visaman & Sons Ltd 575 Melton Road, Leicester (owners of the Western Club site)

In response one email has been received from a resident of Nottingham supporting the proposal. Considers the existing building is of no architectural importance, it is important the planned development is sympathetic to the setting of Leen Court, welcomes the use of the green coloured feature panels in the new building and considers that the colour of the brickwork should match Leen Court.

### Additional consultation letters sent to:

**Noise and Pollution Control:** No objection. Require further details of the proposed CHP unit and recommend the inclusion of ground contamination and gaseous emissions conditions.

**Highways:** No objection. The proposal is likely to reduce the existing number of trips on the network. Recommend a condition requiring the submission of a construction management plan.

**Environment Agency:** Object. The submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the development. Parts of the site lie within Flood Zone 2, and the whole site is surrounded by Flood Zone 2. The access via Leen Gate lies entirely within Flood Zone 2, and the eastern end is within Flood Zone 3. The Flood Risk Assessment should therefore consider in detail the risks of flooding from the River Leen to the property and residents, and the provision of safe access and egress from the site.

**Drainage:** Concerns. Notes that the Flood Risk Assessment is not adequate and that the submitted Drainage Strategy for the development does not include any SUDS techniques for the disposal of surface water. A condition is recommended requiring further details of the disposal of surface water.

**Tree Officer:** Recommends that the possibility of further tree retention be investigated. In particular, identifies the benefits of retaining three lime trees which would soften and screen the building to the benefit of the apartments to the south. A schedule of tree works should form part of the Arboricultural Method Statement.



**Councillors Piper and Trimble:** As ward councillors wish to make a number of points. Whilst they support the initiative to open a hotel for the parents of children receiving treatment at the QMC, feel there are a number of issues which need to be addressed with the application. The proposal is too intensive for the nearby existing residential buildings and future residential buildings which they hope will be built on the Western Club site. The proposal is for a four-storey construction which will overshadow Leen Court apartments at the front of the site and the houses on the Western Club site at the rear. Suggest the following: a set back on the upper storeys be incorporated to reduce the visual impact on neighbouring residences; need to ensure that sufficient distance exists between the rear gardens of future houses at the Western Club and the new development and ensure that existing trees are retained.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

The primary emphasis of the NPPF is that all Local Plans and decisions on planning applications should reflect a 'presumption in favour of sustainable development'. In this respect the NPPF sets out a number of core planning principles (paragraph 17), the most relevant to the proposed development are set out below:

- to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk, and encourage the reuse of existing resources and encourage the use of renewable resources;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans.

### **Nottingham Local Plan (November 2005):**

The following policies have been saved and are considered to be relevant to assessment of the application. The policies are considered to be consistent with the NPPF and therefore should be attributed full weight in the decision making process.

ST1 - Sustainable communities.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE5 - Landscape Design.

NE3 - Conservation of Species.

NE5 - Trees.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 – Derelict and contaminated land.

T3 - Car, Cycle and Servicing Parking.

## 7. **APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of development;
- (ii) Layout and design considerations;
- (iii) Impact on residential amenity;
- (iv) Transport related issues.

#### **(i) Principle of development (Policy ST1)**

- 7.1 The application concerns a brownfield site with the existing building of no architectural merit and there is therefore no objection to its clearance and redevelopment. The proposed development is complementary to the neighbouring QMC and in very close proximity to its Leen Gate entrance. It is anticipated that the families using the accommodation would be from a wide area and the site is ideally located in close proximity to both the ring road and public transport links, particularly to the NET Phase 2 extension which is currently under construction and will include a tram stop within the hospital site. The nature of the use is such that it is also compatible with the neighbouring residential premises. Policy ST1 is therefore considered to be satisfied.

#### **(ii) Layout and design considerations (Policies BE2, BE3 and BE5)**

- 7.2 Both Local Plan policies and the NPPF recognise the importance of design in making places better. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. It also states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.

- 7.3 The main body of the building which will comprise Phase 1 has been sited on the front part of the site and addresses the access road which runs across the frontage. This is the elevation of the building which is more publicly accessible and visible. It includes the entrance to the building and active ground floor uses contributing to community safety in this area. The rear of the building overlooks the private garden area to be created for the users of the building.

- 7.4 The building is proposed to be four storeys. The adjacent Leen Court development is three storeys with a pitched roof and the overall height of the proposed building is marginally higher than this. However, it is considered that taking into account the separation distance between the two, that a four storey building will be compatible with the character and scale of Leen Court, and indeed the wider mixed commercial and residential character of Leen Gate. The future character of the residential development of the Western Club site to the north of the application site will be derived from the more suburban character of the existing housing development to the east. The relationship of the proposed development with this site is addressed in para. 7.11.
- 7.5 The design of the building is conceived in two parts. The more visible and public west elevation has the most distinctive design and through the use of a variety of materials, including glazed green bricks and an area of glazed curtain wall will present a well mannered and attractive building. The east elevation of the building facing the garden will be more traditional in appearance with symmetrical windows providing a vertical emphasis.
- 7.6 The proposal would result in the loss of a number of trees on the site but it is proposed to retain others and also to undertake replacement planting. The siting of the building also ensures that five trees just outside eastern boundary of the site would be unaffected by the development. Three of the replacement trees are along the southern boundary of the site and will in part mitigate for the loss of a group of three trees in the vicinity. The area at the rear of the building will be a private garden area for the users of the accommodation and the submitted soft landscaping plans indicate that this will be high quality. Conditions relating to landscaping and tree protection measures will be included.
- 7.7 Overall, it is therefore considered that the proposals will satisfy Policies BE2, BE3, BE5 and NE5.
- (iii) Impact on residential amenity (Policies BE3 and NE9)**
- 7.8 The residential properties nearest the site are those within the Leen Court apartment complex which is located to the south and east of the proposed development. There is also an extant outline planning permission for residential development for family housing on the former Western Club site to the north. Consultation on the planning application has generated no response from existing residents.
- 7.9 The distance between the southern wing of Leen Court and the proposed building is 16m at the closest point. It is considered, taking into account the siting of the proposed building and the location of the nearest part of Leen Court to the south, that the scale and mass will not unduly impact upon the outlook, daylight or overshadowing of the apartments directly opposite. There are three existing trees adjacent to the southern boundary of the application site which are proposed to be removed. Consideration has been given to the possibility of these being retained but this has proved impractical. Their loss is mitigated with replacement planting elsewhere within the site and the scheme now also includes additional landscaping and climbing plants in this area, which would help to ease and soften the relationship between the southern side elevation of the proposed building and Leen Court.
- 7.10 The proposed use of the building will generate activity through the comings and goings of its occupants and servicing arrangements but bearing in mind the

previous and current use of the site it is considered that this will not significantly impact upon the amenity of the occupiers of Leen Court. The former Western Club site has outline planning permission for family housing and as part of considering the current application it needs to be ensured that the proposal would not prejudice that residential scheme.

- 7.11 Following advice given at the pre-application stage the building was pulled away from this neighbouring site and currently provides a minimum separation distance of 8m to the shared boundary. It remains, however, that the proposal is for a four storey building to the south of the Western Club and that this will have some impact on any future development of this site. The planning permission for the Western Club is in outline form only and although an indicative layout for 29 dwellings was included as part of the scheme, this was not an approved layout and there will be the opportunity for this to alter and adapt at the time of a reserved matters submission, or a future full planning application. Furthermore, the impact of the proposal upon the Western Club site is confined to the very south western corner of the site, which equates to only one plot on the indicative layout. There is also a group of four substantial existing trees close to the northern boundary of the application site which are to be retained and will help to screen the building when viewed from this adjacent residential site. Overall it is considered that the proposal will not prejudice a residential scheme on the Western Club site which will be able to respond and adapt to this more advanced development. The proposal therefore accords with Policies BE3 and NE9.

**(iv) Transport related issues** (Policies BE2 and T3)

- 7.12 There are no specific highways concerns about this proposal on the basis that the proposed use would be likely reduce the existing number of trips on the highway network as the trips to the hospital as a result of families being able to stay in the accommodation rather than travel to and from home every day.
- 7.13 The site is also well located in relation to public transport, particularly following the completion of NET Phase 2 which will serve the hospital. Policies BE2 and T3 are therefore satisfied.

**Other matters** (Policies NE3, NE9, NE10 and NE12)

- 7.14 The Environment Agency has objected to the application on the basis of the absence of a satisfactory Flood Risk Assessment, as parts of the site lie within Flood Zone 2. The applicant is now addressing this issue and an update will be provided at Committee. Further details of surface water drainage are to be conditioned to ensure that the possibility of incorporating SUDS techniques into the development is fully considered.
- 7.15 Noise and Pollution Control, whilst not objecting to the development, have raised a number of issues which can be satisfactorily dealt with by conditions relating to ground contamination and gaseous emissions.

**8. SUSTAINABILITY / BIODIVERSITY** (Policies BE4 and NE3)

- 8.1 A sustainability statement has been submitted with the application which states that the CHP unit, together with other measures such as a fabric first approach, would achieve a 16% saving on carbon emissions when both Phases 1 and 2 are complete. Phase 1 in isolation would achieve an 18% saving on carbon emissions. As such the proposals comply with Policy BE4.

- 8.2 An ecological survey and assessment has been submitted with the application which indicates that the site is of low ecological value. It recommends, however, that there is scope of ecological enhancements through the planting of native species and the provision of bird boxes. The landscaping scheme submitted with the application includes the former and the provision of bird boxes will 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**

The building would be fully accessible.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

World Class Nottingham and Healthy Nottingham - Enhancing the facilities of a regionally important hospital

**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: 14/00141/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MZPE7QLYCB000>

Email from local councillors dated 25.02.2014

Email from Noise and Pollution Control dated 06.02.2014

Email from Tree Officer dated 12.02.2014

Email from Nottingham resident dated 04.02.2014

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

**Contact Officer:**

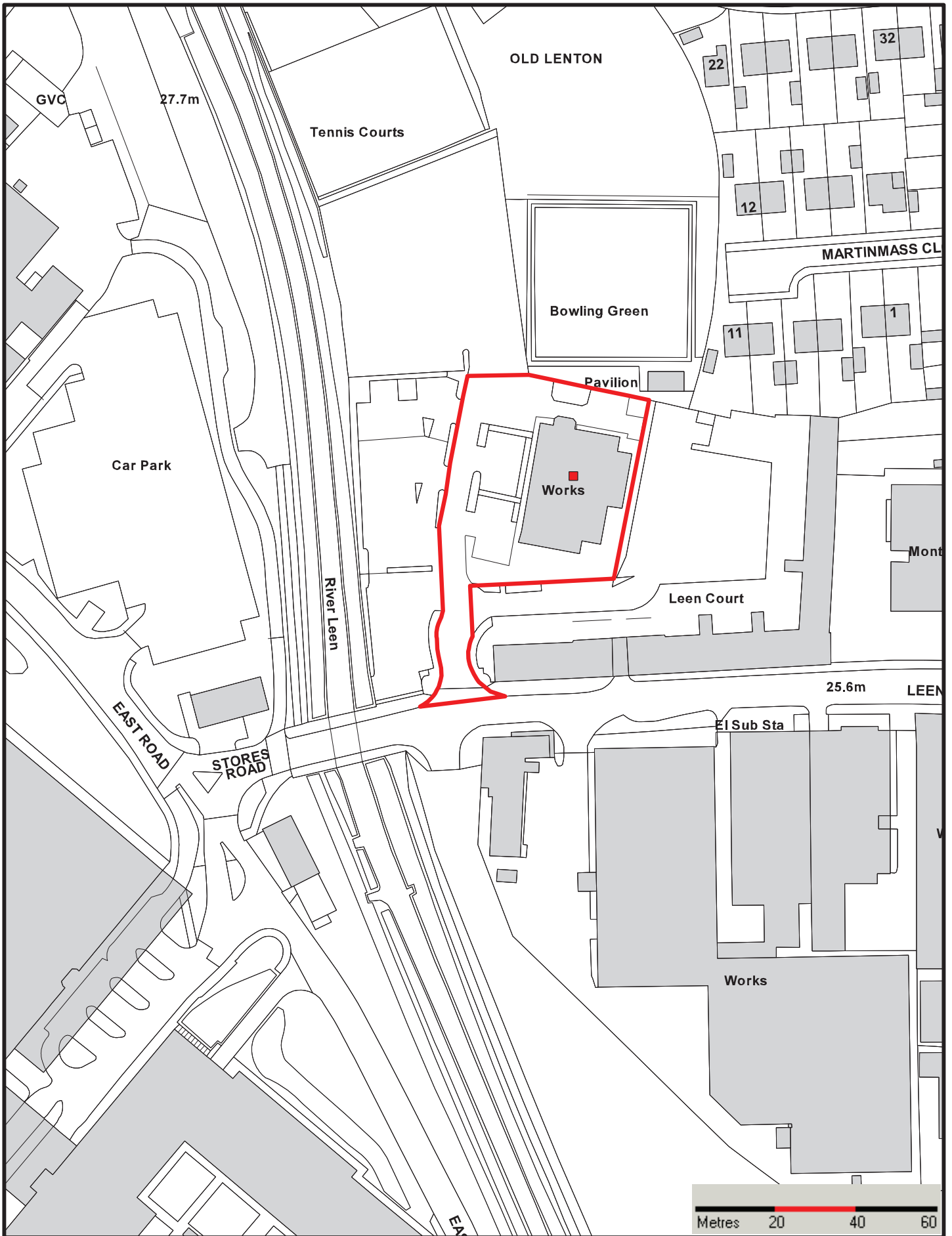
Mrs J.M. Keble, Case Officer, Development Management.

Email: [janet.keble@nottinghamcity.gov.uk](mailto:janet.keble@nottinghamcity.gov.uk). Telephone: 0115 8764056









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**My Ref:** 14/00141/PFUL3 (PP-03062741)  
**Your Ref:**  
**Contact:** Mrs J.M. Keble  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
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NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

AEW Architects  
Miss Rebecca Dennis  
The Zenith Building  
Spring Gardens  
Manchester  
Greater Manchester (Met County)  
M2 1AB

Date of decision:

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

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Application No: 14/00141/PFUL3 (PP-03062741)  
Application by: Ronald McDonald House Charities (UK)  
Location: Leengate Building, Leen Gate, Nottingham  
Proposal: Ancillary managed accommodation (59 bedrooms) for the families of hospital patients.

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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)



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Page 75

Continued...

2. No development shall be commenced until a Construction Method Statement for Phase 1 and Phase 2 has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- (i) Vehicular access to the site;
  - (ii) The parking of vehicles of site operatives and visitors;
  - (iii) Loading and unloading of plant and materials;
  - (iv) Storage of plant and materials used in constructing the development;
  - (v) Wheel washing facilities;
  - (vi) Measures to control the emission of dust and dirt during construction.

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

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

3. The development shall not be commenced until a detailed scheme to deal with contamination of the site has been submitted to and approved by the Local Planning Authority. The scheme shall have regard to the Geo-environmental Desk Study, RMHC Nottingham, Ronald McDonald House Charities, First Issue (Capita Symonds, 9th September 2013) and 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. In particular the scheme shall include:

(i) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found;

(ii) 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;

(iii) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

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

4. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

(i) proposals for ensuring the safe removal of gas;

(ii) proposals for preventing the lateral migration of gas; and

(iii) 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.*

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

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

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

6. No above ground development shall 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.*

7. No above ground development shall be commenced until details of the materials for the hard surfaced areas of the site, based upon a sustainable approach to site drainage, have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To reduce the risk of flooding and to improve and in the interests of the appearance of the development in accordance with Policies BE3 and NE10 of the Local Plan.*

8. No above ground development shall be commenced until details for enclosing the site have been submitted to and approved in writing with the Local Planning Authority.

The means of enclosure shall be installed in accordance with the approved details prior to the occupation of the building.

*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 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.

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

#### **Pre-occupation conditions**

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

11. No part of Phase 1 of the development shall be occupied until the approved sound insulation and complementary acoustical ventilation scheme, where they are applicable to Phase 1 have been implemented.

*Reason: To safeguard the amenities of adjoining occupiers in accordance with Policy BE3 of the Local Plan.*





12. No part of Phase 2 of the development shall be occupied until the approved sound insulation and complementary acoustical ventilation scheme where, they are applicable to Phase 2 have been implemented.

*Reason: To safeguard the amenities of adjoining occupiers in accordance with Policy BE3 of the Local Plan.*

13. No part of the development shall be occupied until the remedial or precautionary measures required to deal with ground contamination have been completed, 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 by 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 NE12 of the Local Plan.*

14. No part of the building, 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. Thereafter 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 users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Local Plan.*

15. The approved sustainable design measures to achieve a minimum of 10% reduction in carbon emissions set out in the Sustainability Statement (Sustainable Design and Construction Methods) shall be implemented before the development is first brought into use.

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

16. The development shall not be occupied until the proposed bird boxes have been incorporated into the building in accordance with details that have first submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of conserving protected species and the ecology of the development in accordance with Policies BE5 and NE3 of the Local Plan.*

17. No part of the development shall be brought into use until the parking area has been provided in accordance with the approved drawings. Thereafter, the parking area shall only be used for the purposes approved.

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

18. No part of the development shall be brought into use until the cycle parking facilities as indicated on the approved drawings have been provided.

*Reason: To encourage use of the development by means of transport other than the car in accordance with Policy T3 of the Local Plan.*

19. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any 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: In the interests of ensuring the finished quality of the approved development, the visual amenity of neighbouring properties, and the wider area in accordance with Policies BE3 and BE5 of the Local Plan.*

**Regulatory/ongoing conditions**

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

20. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars. Paragraphs (a) and (b) below shall have effect until the expiry of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the Local Planning Authority.

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

**Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 27 February 2014.

*Reason: To determine the scope of this permission.*

**Informatives**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. The 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 and groundwater contamination of the site has been addressed satisfactorily

4. It should be noted that no construction work, landscaping or other activity shall be undertaken following the initial occupation of the development which may compromise the remediation measures implemented to deal with ground and groundwater contamination of the site.

5. The approved sound insulation and complementary acoustical ventilation scheme shall be maintained &, in the case of mechanical ventilation, shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied. Only the approved sound insulation and complementary acoustical ventilation scheme shall be installed and operated on site.

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

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

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

#### Equipment

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

#### Dust/Grit and other fugitive emissions

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

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

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

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

- Protective fencing for retained trees
- Schedule of tree work

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

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.

**DRAFT <sup>7</sup> ONLY**

**Not for issue**

Page 81

Continued...

## RIGHTS OF APPEAL

Application No: 14/00141/PFUL3 (PP-03062741)

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](http://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.



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# DRAFT ONLY

## Not for issue

Page 82

- 8 -