



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

**Date:** Wednesday, 23 April 2014

**Time:** 2.30 pm

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

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

**Deputy Chief Executive, Corporate Director and Chief Finance Officer**

**Constitutional Services Officer: Mark Leavesley Direct Dial: 01158764302**

**AGENDA**

**Pages**

- |          |                                                                                                                                                                                                                      |         |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>1</b> | <b>APOLOGIES FOR ABSENCE</b>                                                                                                                                                                                         |         |
| <b>2</b> | <b>DECLARATIONS OF INTERESTS</b><br>If you need advice on declaring an interest on any item on the agenda, please contact the Constitutional Services Officer shown above, if possible before the day of the meeting |         |
| <b>3</b> | <b>MINUTES</b><br>Last meeting held on 19 March 2014 (for confirmation)                                                                                                                                              | 3 - 10  |
| <b>4</b> | <b>PLANNING APPLICATIONS - REPORTS OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION</b>                                                                                                                            |         |
| <b>a</b> | <b>Land to the South of Nottingham Business Park, Woodhouse Way</b><br>Residential development comprising 290 dwellings and associated works (reserved matters for application reference 13/01703/POUT)              | 11 - 26 |
| <b>b</b> | <b>Sycamore Inn, 42 Hungerhill Road</b><br>Erection of place of worship including residential accommodation following demolition of existing public house                                                            | 27 - 40 |

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

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

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**NOTTINGHAM CITY COUNCIL**

**PLANNING COMMITTEE**

**MINUTES of the meeting held at the Council House on 19 MARCH 2014  
from 2.35 pm to 4.29 pm**

- ✓ Councillor Chris Gibson (Chair)
- ✓ Councillor Gul Khan (Vice-Chair)
- ✓ Councillor Liaqat Ali
- ✓ Councillor Cat Arnold
- Councillor Graham Chapman
- Councillor Azad Choudhry
- ✓ Councillor Alan Clark (minutes 91 to 94)
- ✓ Councillor Emma Dewinton
- ✓ Councillor Michael Edwards
- ✓ Councillor Ginny Klein
- ✓ Councillor Sally Longford
- Councillor Ian Malcolm
- ✓ Councillor Eileen Morley
- ✓ 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	)	Development
Martin Poole	- Area Planning Manager	)	
Nigel Turpin	- Heritage and Urban Design Manager	)	
Laura Cleal	- Senior Officer (Highways Development Control)	)	
Richard Bines	- Solicitor, Legal and Democratic Services	)	Resources
Martin Parker	- Constitutional Services Officer	)	

**91 APOLOGIES FOR ABSENCE**

- Councillor Azad Choudhry - Annual Leave
- Councillor Chapman )
- Councillor Malcolm ) Other City Council Business

**92 DECLARATIONS OF INTERESTS**

None.

**93 MINUTES**

Subject to replacement of the final paragraph of the preamble of minute 85 (Planning Application – Victoria Centre, Milton Street) by the following additional resolution (9), the Committee confirmed the minutes of the meeting held on 19 February 2014 as a correct record and they were signed by the Chair.

**Additional Resolution Minute 85:**

**"(9) to authorise the Head of Development Management and Regeneration to determine the final details of the conditions to discharge additional condition 1 (as amended) and the additional condition put forward by Councillor Longford after consulting the Chair, Vice Chair and Opposition Spokesperson after seeking the views of the wider membership of the Committee."**

**94 RADFORD BRIDGE ALLOTMENTS, RUSSELL DRIVE**

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/03099/POUT, submitted by Freeth Cartwright LLP on behalf of Commercial Estates for outline planning permission for residential development of up to 110, 2 – 5 bedroomed dwellings over approximately 3.72ha of allotment land located on the site abutting existing residential properties on Pembury Road, Ewell Road and Torvill Drive. Detailed layout and design of the development would be subject to a reserved matters application with all matters reserved except access which is proposed off Russell Drive, following the demolition of 120 Russell Drive.

The application proposed regeneration of existing allotments across the wider site to provide up to 128, 250 sq m and 51, 125 sq m, new allotment plots to the west and north of Martin's Pond.

The Head of Development Management and Regeneration reported that the difference between the applicant and officers concerning the proposed level of financial contribution was considered marginal. On further review, the proposed public open space and equipped play area included within the scheme is felt to be sufficient to meet the needs of the development in this regard. He therefore proposed that the existing third reason for refusal as stated in the report be withdrawn.

The Head of Development Management and Regeneration also referred to a public inquiry into the City Council's refusal of an earlier application which had been adjourned in November 2013 following submission of revised proposals for consideration which were substantially the same as the application that now before this Committee. The inquiry had resumed on 18 March 2014 but the outcome was not yet known.

The Committee noted the previous planning history attached to the site. Local residents concerns regarding the removal of the whole or part of the allotment sites classification for residential development from the Nottingham Local Plan (2005) (2005), the lack of control over how the allotments were managed, concerned that moving proposed public open space to another area of the site and enabling access to the site from portable drive may enable further development of the site at some future date, and that schools in the locality would be unable to meet future demand for places arising from any development, were referred to but were not material considerations in determination of the application.

Proposed access requirements to the site were acceptable in relation to the number of proposed dwellings.

**RESOLVED 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 failed to compensate adequately for these losses. The proposal was not in accordance with Policies R1 and R6 of the Nottingham Local Plan (2005) (2005) and Policies 10 and 16 of the Emerging Nottingham Aligned Core Strategy;**
- (2) the proposed development did not adequately integrate with surrounding existing development in regards to permeability, failing to provide satisfactory access to the proposed open space, contrary to the aims of Policies BE2 and R3 of the Nottingham Local Plan (2005) (2005) and Policy 10 of the Emerging Nottingham Aligned Core Strategy;**

**95 SYCAMORE INN, 42 HUNGERHILL ROAD**

Martin Poole Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/03063/PFUL3 submitted by Design Office RBC SYL on behalf of Nottingham Central Congregation of Jehovah's Witnesses, for planning permission to demolish the existing public house and construct a single storey place of worship (Kingdom Hall), consisting of a large meeting hall, three smaller rooms, kitchen and toilet facilities and a one bedroom flat to provide accommodation for travelling ministers. Parking for 31 vehicles (including 2 disabled bays) and an additional 12 spaces for overflow parking would be provided. New 2m high railings would enclose the site.

The Committee considered that the design, as submitted, lacked sufficient visual impact in the locality and, together with details of fenestration, should form the basis of further discussions on the application between Development colleagues and the applicant's representatives.

**RESOLVED to defer determination of the application to permit further confrontation between the head of development Management and regeneration and the applicants regarding the visual impact and fenestration details of the proposal.**

**96 LEENGATE BUILDING, LEEN GATE**

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/00141/PFUL3, submitted by AEW Architects on behalf of Ronald McDonald House Charities (UK) for planning permission to demolish and replace an existing office building with managed, temporary free "home away from home" accommodation for the families of sick children who are patients in the Hospital, to enable them to stay close to their children throughout their treatment. The facility will be operated by a charitable trust.

The accommodation, incorporating 59 bed-spaces would be constructed in two phases, 39 to be built in Phase 1, in the front western portion of the building and 20 to be built in Phase 2, a projecting wing at the rear. In addition, a communal rear landscaped garden space and communal living facilities on each floor would be provided for the shared use of

the occupiers. A total of four car parking spaces including two drop-off spaces, one disabled parking space and one staff space would be provided.

The Head of Development Management and Regeneration reported the following matters since preparation of the report:

**(a) Flood Risk Assessment**

It has not proved possible to satisfy the Environment Agency concerning outstanding issues with the Flood Risk Assessment (FRA) before this meeting of the Committee. The objection therefore remains at this stage. However in the reasonable expectation that it will be possible to resolve this matter the following revised recommendation were proposed at this time:

- "(1) to grant planning permission, subject to the resolution of outstanding issues concerning the flood risk assessment being resolved such that the Environment Agency objection to the application is withdrawn and 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."

**(b) Additional representations received**

**(i) letter of objection from Bell Fruit (BF) raising the following concerns:-**

- their detached car park to the west of the site is surplus to requirement (there is land within their site to the south of Leen Gate available for this purpose) and available as a development site;
- no objection to the principle of the proposed development which is entirely appropriate adjacent to the Queen's Medical Centre. However, it would prejudice development on the BF car park site due to the position of the building close to the western boundary of the application site, with windows directly overlooking the southern, linear half of this neighbouring land;
- Policy BE3 of the Nottingham Local Plan (2005) requires consideration of whether a development will prejudice comprehensive development or regeneration of a larger site;
- the BF car park could potentially form part of a larger site including the Western Club land to the north;
- request that the application be deferred to enable the relationship and comprehensive development issues to be resolved;
- The access from Leen Gate is within the ownership of BF with a right of way existing over it to the application site. Will this right remain for this proposed development.

**Responses**

It is acknowledged that the adjacent BF car park is a potential development site in the future, but there is no certainty concerning this matter at present.

Permission was granted for a replacement car park within the BF site to the south of Leen Gate in January 2006 but this was not implemented and expired in January 2009 (05/0310/PFUL3).

The adjacent BF car park is comprised of two principle parts; the northern half is wider and abuts the Western Club site to both the north and east; the southern half is narrower and immediately to the west of the current application site.

In general terms the proposal would have very little bearing on the development of the northern part and, whether or not the current proposal were to proceed, the southern part is more challenging to develop due to its linear form and interrelation with existing, adjacent premises. The relatively constrained nature of the site makes it difficult to assume that there is a given type and form of development that must be given preference over any adjacent site and development.

The current proposal is felt to be an appropriate response to the application site and a logical conclusion of the layout and grain established by the Leen Court development, creating a 'U' shape of buildings around a landscaped courtyard car park and garden. This may influence the approach taken to a scheme on the adjacent part of the BF car park but would not prejudice it. Indeed the ability to link with the Western Club site would remain possible regardless of whether or not the current development proceeds.

It is considered therefore that the development would not conflict with policy BE3 in this regard, nor would it be reasonable to defer the current application as requested.

The issue raised concerning the legitimacy of the applicants to use the current right of way to the application site is a legal rather than planning matter. To ensure that the development can only proceed with appropriate vehicular access it is proposed that condition 17 be amended as follows:

"No part of the development shall be brought into use until the vehicular access from Leen Gate and parking area have been provided in accordance with the approved drawings. Thereafter the parking area shall only be used for the purpose approved.

*Reason: In the interests of accessibility and highway safety in accordance with policy T3 of the Nottingham Local Plan (2005)."*

**(ii) Representations received from the Council's Biodiversity and Green Space Officer, commenting or recommending as follows:**

- a data search with the Nottinghamshire Biological and Geological Record Centre (NBGRC) be carried out;

- as many trees as possible be retained and any new planting should include native nectar producing species. Landscaping proposals do indicate areas of native hedgerow and grassland which is positive, however trees are ornamental;
- that recommendations in the ecological report should be carried, including:-
  - measures deal with the invasive species cotoneaster horizontalis;
  - the provision of native plant species and bird boxes;
  - that if works are not carried out in 2 years then the ecological assessment should be updated.

### **Responses**

The recommendation regarding the Nottinghamshire Biological and Geological Record Centre is noted and will be passed on to the applicant. Tree removal is being kept to a minimum with the majority of significant trees being retained. Replacement trees are to be planted to compensate for those to be lost. The applicant will be advised of the recommendation regarding native nectar producing species and, to secure their inclusion, it the following additional condition was proposed:

"The development shall not be occupied until a revised landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Nottingham Local Planning (2005) Authority.

*Reason: In the interests of the appearance and biodiversity of the scheme in accordance with policies BE5, NE3 and NE5 of the Nottingham Local Plan (2005)."*

The recommendations of the ecological report are to be covered by either condition (tree protection, native nectar producing tree and shrub planting, bird boxes) or informatives (removal of invasive species, safeguarding of nesting birds, updating of ecological survey after 2 years)

### **(c) Condition restricting use**

Due to the unique nature of the proposed use and the lack of parking accompanying the scheme, it is felt that any alternative use of the building should be the subject to appropriate planning scrutiny. The following additional condition is therefore recommended:

"Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order relating to "permitted development", the building shall not be used for any purpose other than as managed accommodation for the families of hospital patients, without the prior express permission of the Nottingham Local Planning (2005) Authority.



*Reason: In the interests of assessing the quality of accommodation for alternative residential use and to ensure that any future use would not generate parking requirements that would be harmful to the occupants of neighbouring premises and the wider highway network, in accordance with policies H2 and BE2 of the Nottingham Local Plan (2005).*

Whilst welcoming the application, the Committee expressed concern that proposed parking arrangements for the facility as submitted may be insufficient to cope with probable vehicle usage and that this matter should be the subject of further discussions between development colleagues and the applicant representatives to achieve a more acceptable solution including the use of appropriate conditions, as necessary.

**RESOLVED**

- (1) to grant planning permission, subject to:**
  - (i) the resolution of outstanding issues concerning the flood risk assessment being resolved such that the Environment Agency objection to the application is withdrawn;**
  - (ii) to the conditions substantially in the form of those listed in the draft decision notice and those additional conditions specified above;**
  - (iii) to further conditions which may be required to achieve acceptable on-site parking/travel plans;**
- (2) to delegate power to the Head of Development Management and Regeneration to determine the final details of the conditions.**

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

Nigel Turpin, Heritage and Urban Design Manager, introduced a report of the Head of Development Management and Regeneration which requested authorisation to undertake urgent works at the Chapel and Theatre, Mapperley Hospital, Porchester Road, Nottingham to ensure that the Grade II listed building located in the Mapperley Hospital Conservation Area was made weather proof and secure against intrusion, vandalism and pigeon infestation and to prevent further deterioration in its condition. A previously agreed Schedule of Works to address the urgent need to address the deteriorating condition of the building had not been completed thus far.

**RESOLVED to authorise the Head of Development Management and Regeneration:**

- (1) to undertake urgent works in respect of the above property as identified in the schedule at Appendix A to the report, pursuant to section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990;**
- (2) to take all necessary action to recover the expenses of urgent works carried out in relation to the above property, such action to include the service of notice(s) on the owner, pursuant to section 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

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**WARDS AFFECTED: Bilborough**

**Item No:**

**PLANNING COMMITTEE  
23 April 2014**

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

**Land to the South of Nottingham Business Park, Woodhouse Way**

**1 SUMMARY**

Application No: 14/00335/PRES4  
Application by: Barratt Homes North Midlands  
Proposal: Residential development comprising 290 dwellings and associated works (reserved matters for application reference 13/01703/POUT).

This application is brought to Planning Committee as this is a major application on a prominent site where there are complex design considerations.

To meet the Council's Performance Targets this application should be determined by 16 May 2014.

**2 RECOMMENDATIONS**

**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 this report.

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

**3 BACKGROUND**

**Site**

3.1 The site comprises 13.5ha of open grassland to the south of Lawrence Drive and the Nottingham Business Park, on the west side of Woodhouse Way (A6002). The land forms part of the wider area consented as a business park but remains undeveloped. The site is largely featureless, characterised by its openness with the exception of a line of trees leading to a copse, which is located outside the application site but within the applicant's ownership. Vehicular access to the site is achieved via Lawrence Drive, with the existing roundabout that serves the business park, providing an access 'stub' to the land as part of the consented business park scheme. The site is relatively flat with a gentle downward slope from west to east, with the lowest point of the site being in the south east corner adjacent to Woodhouse Way. The level difference between the site and Woodhouse Way is more pronounced, with the site being on a higher level than the road to the east. There are sixteen mineshafts either within the application site or on nearby surrounding land.

3.2 Surrounding the site is the Nottingham Business Park to the north which comprises 19,956m<sup>2</sup> of Class B1(a) Office development, a hotel and additional allocated but

undeveloped land, all of which are accessed via Lawrence Drive. To the south of the site is Stonepit Plantation, which is a Site of Importance for Nature Conservation (SINC) and beyond this open grassland and Strelley Village. On the east side of Woodhouse Way is a large residential estate and Strelley recreation ground, which sits to the north of the junction of the A6002 and Strelley Road. There is a public footpath which runs through the existing Business Park, across Lawrence Drive and connects to Woodhouse Way, running to the west of an existing swale which is situated to the south of the Woodhouse Way/Lawrence Drive roundabout. To the immediate west is open countryside where the land rises in height away from the site and beyond this is the M1 motorway. Access to the motorway is less than 2km from the site via Junction 26. The land on the west side of Woodhouse Way but excluding the business park and vast majority of the application site is within the Nottinghamshire Green Belt. The only part of the application site within the Green Belt is the south east corner, where the balancing pond is proposed. The High Speed 2 rail route (HS2) is proposed to run to the west of the application site and converge onto the existing business park to the north.

### **Relevant Planning History**

- 3.3 In 2000 planning permission was granted for 79,000m<sup>2</sup> (application reference: 97/02441/POUT) of employment floor space (B1 offices only) including on land that forms the application site. To date 19,956m<sup>2</sup> of office development has been built on the northern part of the site.
- 3.4 In October 2013 outline planning permission (reference: 13/01703/POUT) was granted for up to 300 dwellings, together with open space, vehicular accesses and service infrastructure. All matters were reserved on this outline application with the exception of access, which was established with a signalised junction onto Woodhouse Way and two access points off Lawrence Drive. The permission was granted on the basis that the proposal would bring forward a mix of 2-5 bedroom properties, including 20% affordable housing. The planning permission is subject to numerous planning conditions and a Section 106 Agreement which in addition to securing affordable housing also provides appropriate contributions to education provision, public transport and sustainable transport measures, provision of off-site open space improvements, on-site management of open space and a commitment to local employment and training.

## **4 DETAILS OF THE PROPOSAL**

- 4.1 The application seeks reserved matters for the outline development approved in October 2013. The reserved matters in question are (layout, appearance, scale and landscaping for 290 dwellings along with associated details. The proposed layout is informed by the indicative masterplan approved at outline stage and the 290 dwellings proposed comprise as follows:

2 bedroom: 41 dwellings (14%)  
3 bedroom: 138 dwellings (48%)  
4 bedroom: 71 dwellings (24%)  
5 bedroom: 40 dwellings (14%)

- 4.2 The dwellings are predominately two storey with some two and a half storey houses and twelve bungalows, which form part of the affordable housing mix.

- 4.3 The layout has evolved the principles of the masterplan and proposes character areas within the development that are defined by a street hierarchy and a range of architectural styles. There are nine types of character areas ranging from The Boulevard, which forms the main vehicular route (including public transport) through the site, to rural lanes on the outskirts of the built development to west and south and 'Mews' style streets within the denser parts of the layout.
- 4.4 The proposed architecture can be broadly classified into three categories. There are traditional properties with steep roof pitches and classic fenestration; traditional proportioned properties with contemporary features, primarily in the form of different materials and entrance porches; and contemporary dwellings with mono-pitched roofs, which are concentrated at the north extremity of the site fronting Lawrence Drive.
- 4.5 There is an area of open space (approx 75m x 25m) identified as 'Middle Green' on the layout which forms the centre of the site and frames this part of the development. From this point the green infrastructure of the site expands, with a tree lined avenue proposed west to east and to the south west a gradually widening of an extensive grass verge containing maturing trees, opening out to the proposed natural play area. Beyond this and outside of the application site will be open space which will be landscaped and managed in a manner to reflect its open countryside character. At the south of the site, it is proposed to located a surface water attenuation pond.

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

### **Adjoining occupiers consulted:**

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

2-10 (evens only) Erith Close  
16-48 (evens only) Edge Way  
1-11 (odds only), 15-17 Lancaster Way  
206-226 (evens only) Cranwell Road  
21-49 (odds only) York Drive  
1-8 Orchard Place  
2, 2a and Unit F Horizons Place, Mellors Way  
Units G1-G7 Ash Tree Court, Mellors Way  
Units H1-H7 Ash Tree Court, Mellors Way  
6&8 Lawrence Drive  
The Belfry Hotel  
53 Gunnersbury Way

- 5.2 Two letters of objection have been received from local residents on the grounds that the development will create additional volumes of traffic on the already busy A6002 and the proposed position of HS2 could compromise the desirability of the new houses. In addition a further representation has been received commenting that the development will have a number of impacts in addition to those raised by the objectors. These include pollution in the form of CO<sub>2</sub>, noise and light, the impact on schools and whether residents will choose the closest schools to the site, and the impact on wildlife including trees and hedges. The comments conclude that all these matters should be taken into account to ensure a high environmental and social standard of development.

- 5.3 One letter of support from Barratt Homes, as an occupier of one of the units on the Business Park (but whom is also the applicant) has been received. The letter conveys that the scheme will make a significant contribution to the City's housing delivery in accordance with the requirements of the NPPF and will provide a mix of housing types including affordable and open market.

**Additional consultation letters sent to:**

- 5.4 **Highways & Drainage:** No objections but raises questions in regard to the segregation of the existing public right of way which runs adjacent to Woodhouse Way and the eastern boundary of the site, some minor detailed layout issues and requests that the bus stops and drainage basin are shown on the main layout drawing.
- 5.5 **Heritage and Urban Design:** The proposed scheme has been designed around existing natural features, with a logical hierarchy of street pattern reflecting the topography. A large number of additional trees will be planted to develop boulevards and build-outs creating attractive calmed streets. A variety of appropriate boundary solutions together with off street parking will help produce a high quality, uncluttered street scene. Buildings and windows addressing the street will add to the visual amenity as well as contributing to a safer neighbourhood. Overall the house designs and materials add variety to the scheme, which is fully supported.
- 5.6 **Environment Agency:** Welcomes the inclusion of the above ground drainage attenuation facility and advises that detailed surface water matters will be considered under condition 7 of the outline planning permission.
- 5.7 **Nottinghamshire Wildlife Trust:** The applicant has engaged in meetings with the Trust regarding access to Stonepit Plantation. They make suggestions in regard to landscaping and biodiversity enhancement through the detailed design of the attenuation pond.
- 5.8 **Biodiversity and Green Space Officer:** Advises that access to Stonepit Plantation should be arranged with Nottinghamshire Wildlife Trust, advises that native plant choices are supported, at least one surfaced route should be provided on the outer open space and seeks clarification on design and access to both the existing drainage pond (to the east of the site adjacent to Woodhouse Way) and the proposed drainage pond to the south of the site.
- 5.9 **Noise and Pollution Control:** No objection but recommends a remediation strategy condition to deal with any potential ground and groundwater contamination.
- 5.10 **Tree Officer:** Satisfied that the application reflects the considerable pre-application discussion on this site. The Arboricultural Method Statement and schedule of landscape maintenance will be critical and it is noted that these matters are conditions of the outline planning permission.
- 5.11 **NCC Housing:** The mix of proposed market housing, comprising property sizes ranging from 2-5 bedrooms is acceptable. The provision of 58 affordable houses equates to the policy requirement of 20% of the total number of dwellings. The focus on 2 and 3 bedroom properties and the inclusion of bungalow units is supported and corresponds well to the needs of households requiring affordable

housing. The composition of the affordable housing offer as outlined in the Section 106 agreement (13/1301703/POUT), namely 75% social rented; 25% shared ownership and shared equity – is also acceptable, with the variety offered being welcome and again reflecting the needs of households requiring affordable housing.

- 5.12 **Police Architectural Liaison Officer:** The layout, orientation, active edges, road and footpath layout, private rear gardens and either on plot or on street vehicle parking appears fairly traditional and meets with the Secured by Design criteria. The PALO is pleased to see that the open space areas are overlooked by homes giving a good level of natural surveillance, which is necessary to help reduce the opportunities for crime and disorder. The PALO does advise that the site is located very close to a high crime area and therefore recommends these homes are built to the full Secured by Design Award level.
- 5.13 **Broxtowe Borough Council:** No objection to the proposal on the assumption that Nottinghamshire County Council, as highway authority, has no objection to the reserved matters stage.
- 5.14 **Coal Authority:** No observations as satisfied the outline permission conditions covers the coal mining issues sufficiently.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm can not be avoided, mitigated or as a last resort compensated, then permission should be refused.

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

- 6.6 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

H2 – Density.

H3 – Appropriate Housing Types.

H5 – Affordable Housing

R2 – Open Space in New Development.

R3 – Access to Open Space.

BE1 – Design Context in the Public Realm.

BE2 – Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 – Landscape Design.

NE5 – Trees.

NE10 – Water Quality and Flood Protection.

T3 - Car, Cycle and Servicing Parking.

## **Aligned Core Strategy Publication Version (2012)**

Policy 8 – Housing Size, Mix and Choice

Policy 10 – Design and Enhancing Local Identity

Policy 16 – Green Infrastructure, Parks and Open Space

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

### **Main Issues**

- (i) Layout and landscaping
- (ii) Appearance/Housing Design

### **(i) Layout and Landscaping (Policies ST1, H2, H3, BE1, BE2, BE3, BE5, R2, R3, NE5 and T3)**

- 7.1 The principle of residential development has been established with the outline planning permission and this application concerns the details or 'reserved matters' of the scheme. The application proposes a total of 290 dwellings over a net



developable area of 8.62ha and these equates to a density of 33.6 dwellings per hectare. This is a Greenfield site and it is considered that the proposed density strikes the appropriate balance between making good use of land and being respectful of the site's location adjacent to the Green Belt and open countryside. Of the total number of dwellings proposed, 249 (86%) will be classed as family accommodation (3 bedrooms or above) and of the remaining 41 dwellings, 12 are proposed as two bed bungalows. It is evident that the scheme will deliver family housing in accordance with Policy ST1 and that the density is appropriate for the site and its surroundings and the type of housing that is proposed. The proposal is therefore in accordance with Policy H2.

- 7.2 The layout demonstrates that the proposed development will provide a range of house types in compliance with Policy H3. The principles of the masterplan approved at the outline stage have evolved to create a detailed layout that will create character and interest. The layout is structured around a street hierarchy that informs the character of the place, with a clear rationale behind the formation of the streets. A central boulevard runs between the main approved access points of Woodhouse Way and Lawrence Drive and will accommodate a new bus route. This is the main vehicular route through the site but is designed to minimum widths to ensure reductions in speed and that the highway is not visually dominating. The lower boulevard section towards the south of the site in particular incorporates tight bends with changes in surfacing, ensuring that character is not compromised in providing the necessary highway infrastructure.
- 7.3 The proposed houses are sited to address key roads both externally and internally to the development. There is a strong building frontage to Woodhouse Way that is set back an appropriate distance so to ensure that the existing right of way to the immediate east retains its integrity. There is a proposed shared surface lane sitting alongside and complimenting this route and the elevated nature of the site above Woodhouse Way will ensure that the houses present effectively as a prominent street-scene. Development addresses Lawrence Drive with a contemporary style of housing that offers a connection between the existing built form of the business park and the more traditional housing proposed throughout the majority of the layout. The southern and western peripheries of the proposed layout seek to take advantage of the open countryside views through orientation and this rural edge informs the character with development being served by narrower roads with a grass verge and site boundary hedging. Internally the layout is designed with a series of blocks that vary in form and shape but also provide legible connections and good permeability. The housing addresses all streets with good building coverage throughout and changes in density enhance character with lower density to the west and higher density to the east.
- 7.4 The integration of open space and street trees into the layout is a significant element of the design. The main open space within the development takes the form of 'Middle Green' a central area of the development which frames some of the larger proposed properties within the scheme. The natural play area is on the edge of the proposed housing making use of the open character to the south and west but remains easily accessible and with good natural surveillance in accordance with Policy R3. Street trees are prevalent throughout the scheme with main streets such as 'The Boulevard' and 'The Avenue' incorporating trees into the pavement and other narrower roads providing build outs accommodating trees to enliven the street. This philosophy builds on the retention of the copse to south of the proposed natural play area and the line of existing maturing trees which are to encompassed in a wide highway verge opening out towards the open space. The strong presence

of open space and landscaping is both welcome and appropriate and will be vitally important in establishing the character and sense of place of the site.

- 7.5 A key feature of the proposed layout is the inclusion of front boundary treatment which is proposed throughout with the exception of the rural edge where the character justifies a more open approach. The front boundary proposals include a mix of treatments comprising railings, brick walls, stone walls, hedges or combinations of such. The proposed boundary treatments are thoughtfully grouped together and provide variety, together with a strong sense of enclosure helping define public and private defensible space.
- 7.6 A challenge with a housing development of this size and even at a comparatively modest density, is to provide and successfully integrate sufficient parking into the layout. With the exception of a small number of properties on the 'Mews' style streets which provide parking equivalent to 1.5 spaces per dwelling, all dwellings provide a minimum of two spaces per dwelling (including garages), with the larger houses generally accommodating in excess of this. The parking is predominately provided on plot with some frontage parking in the higher density areas. On the larger dwellings there are some examples of long driveways, the appearance of which is proposed to be mitigated by entrance gates which will reduce the extent of visible hard-standing. With the parking located either on plot or to the front of the dwellings as part of the street layout, future residents should be able park appropriately and conveniently, reducing the prospect of streets cluttered with vehicles.
- 7.7 The relationships between proposed houses has been carefully considered in formulating the layout with minimum back to back distances of 20m and houses orientated to maximise the benefits of views of the open countryside. The minimum garden length of 10m is considered appropriate and the proposal will provide housing that affords a high level amenity for its future occupants.

#### **(ii) Appearance/Housing Design (Policy BE3)**

- 7.8 The application proposes a good variety of house types (approximately 35) that generally can be categorised as traditional, traditionally proportioned properties with contemporary features, and contemporary architecture.
- 7.9 The most common approach to the architecture is traditional but within this category there is a spectrum of design details which will ensure both quality and variety. These include steep roof pitches, dormer windows, classic style windows (70mm reveals), sporadic use of chimneys, bay windows, eaves detailing, strong gable projections, different porch designs and changes in materials including the use of stone and coloured render. The differing combination of these details, coupled with the characteristics of individual streets and the extensive range of boundary treatment, will ensure interesting and varied properties within the traditional design range.
- 7.10 The Lane/Shared Surface character area, which includes three quarters of the Woodhouse way frontage, is proposed with house types that incorporate a contemporary twist to a traditionally formed dwelling. This is proposed to be achieved through the use of alternative materials, pairing red brick with coloured weatherboarding or render, grey window frames, and contemporary style porches/entrances. This again will add strong variety to the house types and is

informed by the traditional principles to the design adopted on the majority of the site.

- 7.11 There are a collection of thirteen properties proposed on or adjacent to the Lawrence Drive frontage which have taken a contemporary approach, with mono-pitched roofs and roof terraces. These house types have been produced in response to the requirement to have some variety in form of the houses and the combination of their shape and the materials proposed offer a strong alternative to the traditional approach. These houses have been sited closest to the existing business park to reflect that the business park units are themselves of a more contemporary design and have mono-pitch roofs; there is therefore logic to this approach and continuity in form, albeit the business park buildings are larger in scale. Given the scale of the proposed development it is considered appropriate to have some units which are more adventurous in their style and coupled with the variety and quality of house types that are evident in other areas of the site, it is considered that the addition of these contemporary house types has a positive effect on the overall standard of the scheme.
- 7.12 The styles and range of house types are considered acceptable in isolation but there is also a strong design logic in how they have been fitted together within the scheme. The character zones which have been informed by the street hierarchy also have regard for the architectural styles and density of housing. The contemporary housing and those types with more contemporary features have been thoughtfully grouped to the north and eastern sides of the development within denser areas, as opposed to being spread throughout the site without continuity. The 'Middle Green' area is appropriately framed with larger more traditional dwellings and the rural edge area is more spacious and at a lower density. The house types proposed are considered to be of a high standard that will add to the quality of the place created by other features of the development such as the streets, open spaces and landscaping and will provide attractive family housing.
- 7.13 The scheme has been appraised against the Building for Life criteria which sets out twelve key assessments on which proposed development should be judged. There are three sections to the assessment, comprising 'integrating into the neighbourhood', 'creating a place' and 'street and home', and each have four criteria. Having considered the proposed development against the Building for Life criteria it is considered that the scheme achieves a score of 11/12, with strong performance in the creation of place through designing character and well defined streets and places. On balance it is not considered appropriate to award a full 12/12 score, as the development is not particularly close to a full range of existing facilities, nor does the development provide any within the site. Nevertheless the scheme overall performs strongly against the Building for Life criteria, re-inforcing its design quality.

#### **Other Issues**

- 7.14 The development proposes 20% affordable housing which equates to 58 dwellings. The affordable units are spread between a mix of two bed (33) and three bed (25) dwellings with the two bed properties including 12 bungalows. The housing is a mix between social rent (43) and intermediate, comprising shared ownership and shared equity units (15) and is clustered in several groups of between 7-15 dwellings and are well integrated with the market housing. It is considered that the affordable housing scheme in terms of tenure mix and housing type, is acceptable and appropriate for the site, satisfying the requirement of the outline permission and Policy H5 of the Local Plan.

7.15 The objections raised from residents in relation to traffic and the position of the proposed HS2 line have been considered as part of the outline planning permission and the impacts found to be acceptable. Similarly an assessment has been undertaken with regard to nature conservation on the outline planning permission and the proposal was found to be compliant with national and local plan policies. Education provision is dealt with through the Section 106 Agreement tied to the outline planning permission by way of a contribution.

7.16 The matters raised by Highways have been addressed and the detailed design of the drainage basin to the south of the proposed housing will be the subject of approval through conditions. As this is a reserved matters application, the number of conditions on the draft decision notice will be very low for a scheme of this size, as the vast majority of issues are covered by the conditions imposed on the outline planning permission, which were extensive in breadth and detail.

## **8. SUSTAINABILITY / BIODIVERSITY**

Condition 10 of the outline planning permission secures the requirement that a minimum of the development's energy supply shall be provided by way of a renewable or low carbon energy supply. Condition 16 of the outline planning permission relates to ecological enhancement, including habitat creation.

## **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: would provide high quality and sustainable residential development.

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

## **14 CRIME AND DISORDER ACT IMPLICATIONS**

The Police Architectural Liaison Officer has confirmed that the proposed development complies with the Secured by Design criteria. They encourage a full Secured by Design Award level which in addition to the appropriate layout and orientation of development (which this proposal achieves), involves an assessment of physical security measures (for example locks) which would be matters secured

outside of the planning system. The comments of the PALO have been forwarded to the applicant.

**15 VALUE FOR MONEY**

None.

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

1. Application file reference: 14/00335/PRES4  
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F01703&action=Search>
2. Comments from NCC Highway dated 10 March 2014
3. Comments from Noise and Pollution Control dated 18 February 2014
4. Comments from Heritage and Urban Design dated 3 April 2014
5. Comments from Nottinghamshire Wildlife Trust dated 27 March 2014
6. Comments from Broxtowe Borough Council dated 3 March 2014
7. Comments from the Coal Authority dated 4 March 2014
8. Comments from Tree Officer dated 2 April 2014
9. Comments from Environment Agency dated 20 February 2014
10. Comments from Biodiversity Officer dated 10 March 2014
11. Comments from NCC Housing dated 3 April 2014
12. Comments from local residents/businesses dated 21 February, 7, 10 and 13 March 2014.

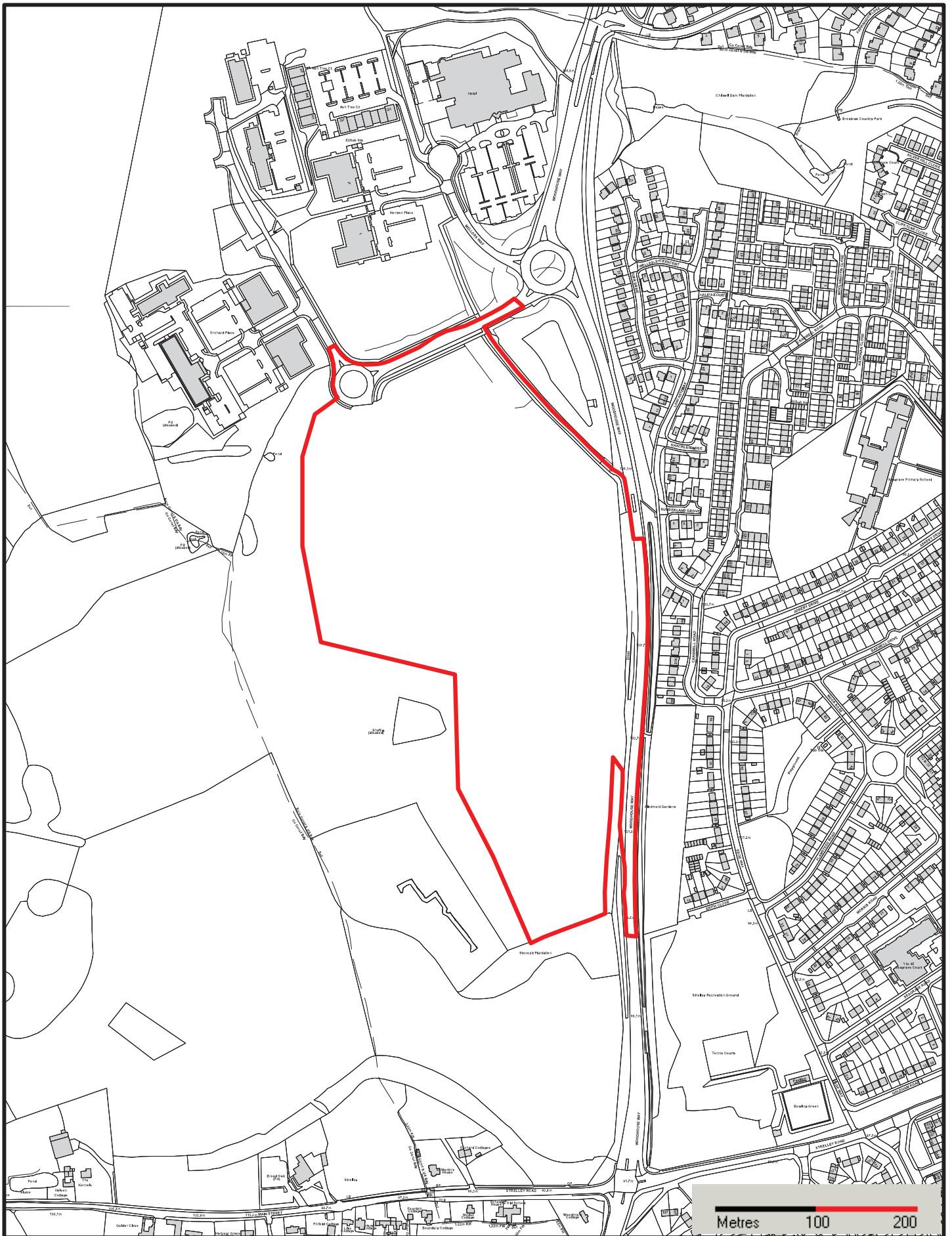
**17 Published documents referred to in compiling this report**

1. Nottingham Local Plan (November 2005).
2. National Planning Policy Framework.
3. Aligned Core Strategy (Publication Version) 2012.

**Contact Officer:**

Mr Mark Bassett, Case Officer, Development Management.

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**My Ref:** 14/00335/PRES4

**Your Ref:**

**Contact:** Mr Mark Bassett

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



**Nottingham  
City Council**

Development Management  
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Barratt Homes North Midlands  
Mrs Charlotte Henson  
2 Horizon Place  
Nottingham Business Park  
Nottingham  
NG8 4PY

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION FOR APPROVAL OF RESERVED MATTERS**

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Application No: 14/00335/PRES4  
Application by: Barratt Homes North Midlands  
Location: Land To South Of Nottingham Business Park, Woodhouse Way, Nottingham  
Proposal: Residential development comprising 290 dwellings and associated works  
(reserved matters for application reference 13/01703/POUT).

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Nottingham City Council as Local Planning Authority hereby **APPROVES** the reserved matters described in the above application subject to the following conditions:-

**Pre-commencement conditions**

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

1. Prior to the commencement of the phase or phases of development adjacent to the existing public right of way, protective fencing shall be erected and maintained in situ during the construction period for that phase or phases in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the users of the public right of way are sufficiently protected from construction and in accordance with the aims of Policy BE2.*

**Pre-occupation conditions**

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

2. Details of any electricity substations or above ground structures associated with the electricity supply to the site shall have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of such works on site. Thereafter, the development shall only 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.*



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

**DRAFT ONLY**

Not for issue

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- 1 -

Continued...

3. The front gates proposed for specific plots as identified on drawing number EMS.2489\_007 M I shall be erected in accordance with details submitted to and approved in writing by the Local Planning Authority, prior to the occupation of that particular plot.

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

**Regulatory/ongoing conditions**

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

There are no conditions in this section.

**Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 14 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 applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293 at the earliest opportunity to begin the process.

4. There is a commitment in the Council Plan to introduce more 20mph speed limits across the City around educational establishments, shopping, residential areas and community facilities. Nottingham City Council is aiming to introduce a 20mph scheme across the City and all roads (except A and B category roads) are to be considered for the new 20mph speed limit. This will involve a separate legal order, and all costs shall be borne by the applicant. Please contact Traffic Management on 0115 876 5245 for further advice and information.





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: 14/00335/PRES4

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.

WARDS AFFECTED: St Anns

Item No:

**PLANNING COMMITTEE**  
**23rd April 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 was deferred at the March 2014 meeting of the Planning Committee to seek amendments to the design of the building.

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 has recently ceased trading as a public house. 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.

- 3.4 The current application was first considered by the Planning Committee in March 2014. However, Councillors raised concerns about the design of the building, specifically the size and number of windows within the elevations and a resolution was made to defer the application to seek improvements to these elements of the proposals.

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

- 4.1 The application is brought back to Committee following the resolution to defer in March 2014. It seeks permission to demolish the existing public house and construct a place of worship (Kingdom Hall) in its place. 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. The subject of whether the proposed materials were appropriate within the local context was raised during the last Committee meeting and in response, the applicant's have now put forward two alternative palettes of materials; one a red brick with red tiles as originally proposed (option a) and the other a buff brick with slate tiles (option b). Whilst the applicants' preference is to use the materials proposed under option a, they would be happy to use either, should the Committee consider it appropriate to introduce alternative materials.
- 4.3 The main area of contention arising during discussions at the Committee meeting in March and the subsequent reason for deferral, was the fenestration. Councillors felt that there were too few windows within the building and that the windows proposed were insufficient in size for a building of this type. This was relayed to the applicants and a revised proposal has now been submitted for consideration. The revised scheme introduces six additional windows within the various elevations and the windows previously proposed have been increased in size. The revised design still reflects the ethos of the intended user. However, it is considered that the increase and improvements to the fenestration, together with the entrance porch and a small tower feature, would add sufficient 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 latest revisions to the elevations would introduce a greater expanse of glazing to

the Abbotsford Drive and Hungerhill Road frontages, adding further interest to the elevations of the building and reducing the dominating impact of large areas of brickwork . 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>

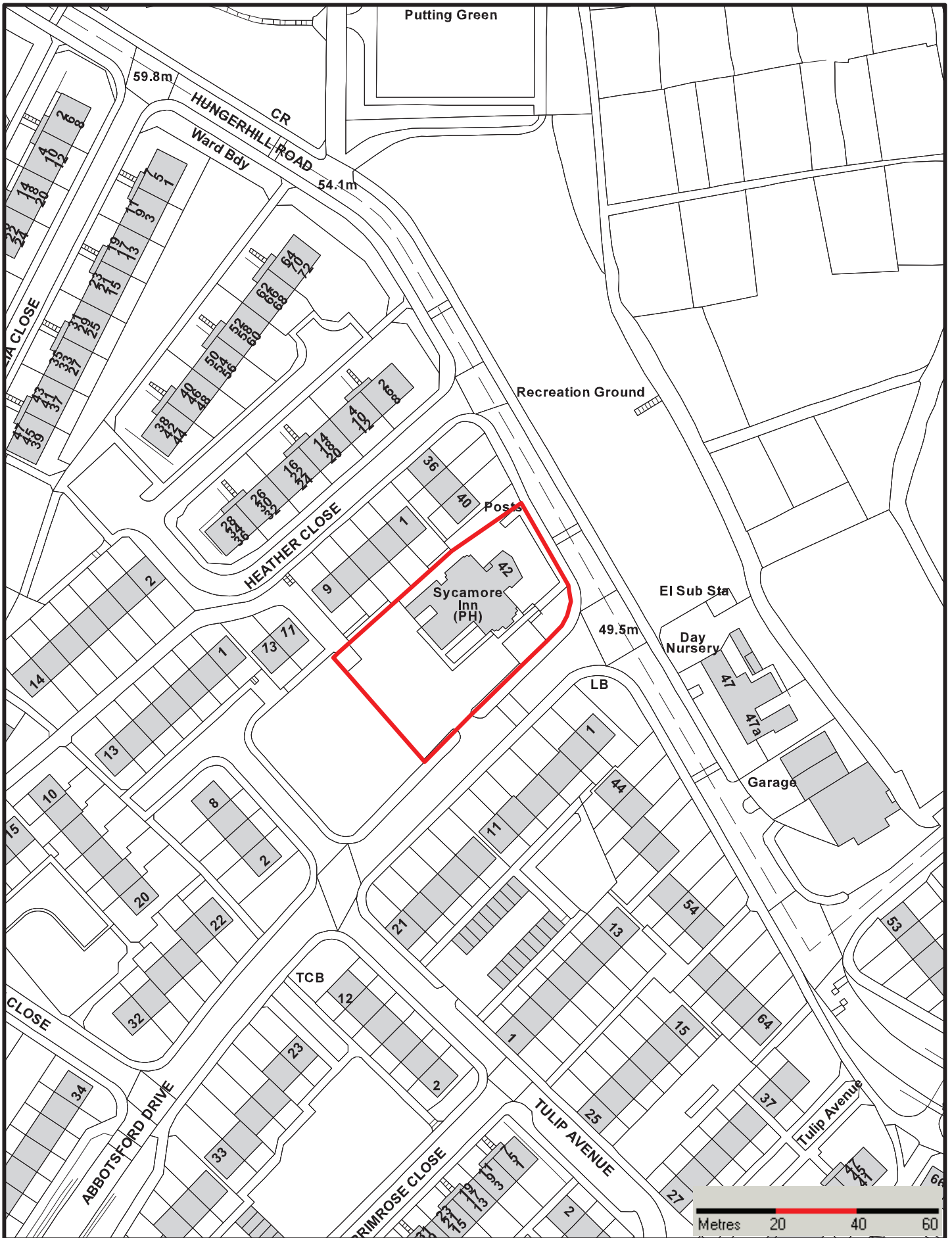
2. Highways comments dated 13.1.14
3. Pollution Control comments dated 17.1.14
4. Biodiversity Officer comments dated 6.1.14 , 4.2.14 and 10.2.14
5. Letter from Trust inns received 14.2.14
6. Letter from Ward Councillors dated 12.2.14
7. Third party representation from D Sellers received 13.1.14
8. Third 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
18. Report to Committee dated 19<sup>th</sup> March 2014.

**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:**  
**Contact:** Mrs Zoe Kyle  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
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Station Street  
Nottingham  
NG2 3NG

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

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**

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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.

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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)

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.*

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

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