



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 20 August 2014

Time: 2.30 pm

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

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

Acting Corporate Director for Resources

Constitutional Services Officer: Mark Leavesley **Direct Dial:** 0115 8764302

AGENDA

Pages

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
If you need any advice on declaring an interest, please contact the Constitutional Services Officer shown above, if possible before the day of the meeting
- 3 MINUTES** 5 - 16
Last meeting held on 18 June 2014 (for confirmation)
- 4 MEMBERSHIP**
To note that Councillor Emma Dewinton has been replaced by Councillor Gul Khan as a member of this Committee
- 5 APPOINTMENT OF VICE-CHAIR**
- 6 PLANNING APPLICATIONS: REPORTS OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**
- a Society Linen and electricity sub-station, Daleside Road (site of)** 17 - 40
Outline planning permission for development of a foodstore, retail units, a restaurant building, an employment/ancillary use building and 235 car parking spaces

b	Gresham Works, London Road Planning permission for a new fire station and associated works following demolition of existing buildings	41 - 64
c	1 Bestwood Park Drive West (site of) Planning permission for 29 new dwellings and associated works	65 - 80
d	Rocky Mount, Barrack Lane Planning permission for 16 apartments, following demolition of existing building, and associated undercroft car parking	81 - 106
e	13 Sherwood Rise Planning permission for 12 new apartment following demolition of existing building	107 - 122
f	Fairham Brook Nature Reserve, Green Lane Planning permission for excavation of 570m of ditches and creation of a series of ponds to enhance the habitat of the nature reserve	123 - 136
g	294 Hucknall Road Planning permission for conversion (following part demolition) of existing building to 7 self-contained flats and erection of 10 self-contained flats in the grounds of the existing building	137 - 148

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

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Loxley House on 18 June 2014 from 2.30pm to 4.43pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold
Councillor Graham Chapman
Councillor Emma Dewinton (Vice Chair)
Councillor Michael Edwards
Councillor Rosemary Healy
Councillor Ginny Klein
Councillor Sally Longford
Councillor Eileen Morley
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Toby Neal

Absent

Councillor Liaqat Ali
Councillor Azad Choudhry
Councillor Alan Clark
Councillor Roger Steel

6 APOLOGIES FOR ABSENCE

Councillor Ali)	personal
Councillor Choudhry)	
Councillor Clark)	
Councillor Steel	-	other City Council business

7 DECLARATIONS OF INTERESTS

(i) Agenda item 4c: Planning application – Site of Blenheim Elderly Persons Home, Squires Avenue (minute 11)

Councillors Klein, Smith and Wood declared an interest as Trustees of the Hanley and Gellestrop Almshouse charity, which abuts the application site and, while they considered the interest to be neither personal or pecuniary, decided to leave the room prior to discussion of the item.

(ii) Agenda item 4a: Planning application – Former Blenheim Garden Allotments, Blenheim Lane (minute 13)

Councillor Chapman declared an interest due to his dealings with the applicant in connection with the proposal on behalf of the Council as landowner and, while he did not consider the interest to be personal or pecuniary, he decided to leave the room prior to discussion of the item.

8 MINUTES

The Committee confirmed the minutes of the meeting held on 21 May 2014 as a correct record and they were signed by the Chair.

9 SITE OF SOVEREIGN HOUSE, MIDLAND CAR PARK AND FORMER FACTORY

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/00674/POUT submitted by NJL Consulting LLP on behalf of Peel Land and Property for demolition of existing buildings and erection of mixed use development comprising up to 27,000sq.m offices (Class B1a), up to 10,000sq.m hotel (Class C1), up to 2,000sq.m shops (Class A1), financial and professional services (Class A2), restaurants and cafes (Class A3), drinking establishments (Class A4), hot food takeaway (Class A5), up to 1,000sq.m non-residential institution (Class D1) and up to 3,500sq.m assembly and leisure (Class D2), with ancillary car parking and associated infrastructure.

Mr Percival stated that It has not proved possible to satisfy the Environment Agency concerning the outstanding concerns with the submitted Flood Risk Assessment before Committee and their objection therefore remains at this stage. However there is a reasonable expectation that it will be possible to resolve this matter and it is therefore proposed that the recommendation be revised as follows:

‘GRANT PLANNING PERMISSION subject to the following and authority to determine the final details of the conditions be delegated to the Head of Development Management and Regeneration:

- (i) the outstanding issues concerning the flood risk assessment being resolved such that the Environment Agency withdraw their objection to the application, and;
- (ii) the conditions substantially in the form listed in the draft decision notice at the end of this report and any additional conditions arising from 5 (i).’

The Committee supported the proposals as a replacement for the existing building but raised concerns about the potential height of the proposed buildings, whilst recognising that the application was for outline consent and the Environmental Statement had assessed the maximum parameters of the proposal.

The Committee requested that consideration be given to varying the height of the development and possibly ‘stepping down’ the height levels of the buildings at the station end of the site at detailed stage to soften its impact on this listed building.

It was also stated that the detailed proposals should ensure that the south part of the city is not cut off as a result of the height of the buildings in due course and that this must be an elegant, high-quality, iconic development as it will be the first thing visitors see when emerging from the train station and therefore needs to have a positive impact. It should also set a benchmark for future development in the City.

RESOLVED

- (1) that the requirements of Part 2 of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are**

satisfied by reason of the Environmental Statement submitted in support of the application, including at least the following information:

- (a) a description of the development, comprising information on the site, design and size of the development, and of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;**
 - (b) the data required to identify and assess the main effects the scheme is likely to have on the environment;**
 - (c) an outline of the main alternatives studied by the applicant and an indication of the main reasons for rejecting these, taking into account the environmental effects;**
 - (d) a non-technical summary of the information provided under (a) to (d) above;**
- (2) that the implications of the development, addressed in the Environmental Statement, subject to the mitigation measures proposed, do not amount to major adverse effects or main effects or other adverse impacts that would justify the refusal of the application;**
 - (3) that in making the decision on this application, the environmental information, being the Environmental Statement and the representations received on it, have been taken into account and that the Environmental Statement meets the minimum requirements of Part 2 of Schedule 4 to the Environmental Impact Assessment Regulations 2011 and is sufficient, having regard to Part 1 of Schedule 4 to those Regulations;**
 - (4) that Regulation 24(1) of the Environment Impact Assessment Regulations 2011 be complied with as soon as reasonably practical and the Head of Development Management and Regeneration be delegated to undertake the necessary requirements, namely to:**
 - (i) notify the decision in writing to the Secretary of State;**
 - (ii) inform the public of the decision by newspaper advertisement;**
 - (iii) to place on deposit for public inspection a statement containing the content of the decision and the conditions attached to it, the main reasons and consideration on which the decision is based and a description, where necessary, of the main measures to avoid, reduce and, if possible, offset any major adverse effects of the development, and also to contain information on the ability to, and procedures for, challenge of the decision;**
 - (5) to grant planning permission subject to the following and authority to determine the final details of the conditions be delegated to the Head of Development Management and Regeneration:**

- (i) **the outstanding issues concerning the flood risk assessment being resolved such that the Environment Agency withdraw their objection to the application;**
- (ii) **the conditions substantially in the form of those listed in the draft decision notice and any additional conditions arising from 5(i) above.**

10 SITE OF BLENHEIM ELDERLY PERSONS HOME, SQUIRES AVENUE

Prior to consideration of the item, Councillors Klein, Smith and Wood left the meeting.

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/00876/PFUL3, submitted by Pelham Architects on behalf of Nottingham Community Housing Association, for erection of 24 new dwellings and associated works.

Mr Poole stated that:

- (1) a signed Memorandum of Understanding in respect of Employment and Training had been received. Whilst a financial contribution for off-site open space and for education would normally be required through a S106 Agreement, the applicant had submitted a viability statement to demonstrate that the scheme would not be viable if these contributions were required. This statement had been assessed and accepted. It was also noted that the scheme incorporates significant areas of open space within the site, particularly around the protected trees;
- (2) updated drawings had been received to show the revised layout;
- (3) the Highways Section of the City Council raised no objection to the amended plans, subject to minor amendments to the wording of the conditions and an additional condition (as below) to ensure that adequate parking is available for the existing properties to comply with Policy T3 of the Nottingham Local Plan, and to require the parking for Blenheim Cottages to be provided prior to first occupation of any of the new dwellings:

‘The five parking spaces to the front of 1, 2 and 3 Blenheim Cottages shall be constructed, laid out and available for use prior to the first occupation of any dwelling hereby permitted.’

- (4) a further 4 letters of objection had been received, along with a petition of 40 signatures, commenting on amended drawings. The comments, raising the following issues had already been addressed in the report:
 - request public meeting;
 - remain concerned regarding loss of privacy and potential for noise/anti-social behaviour;
 - the development is not right for the area;
 - loss of trees;
 - impact on biodiversity;

- devaluation of property;
- anti-social behaviour;
- expects financial compensation for emotional distress and any damage caused (by future occupiers of new development) to property etc;
- general objection.

The Committee raised concerns about the windows for the top floor of the 3 storey buildings both in relation to the size and amount of light they allowed in and the view from them, and also regarding the boundary treatments throughout the development with a preference expressed for the installation of gates. In response Martin Poole confirmed that these matters of detail could be resolved through conditions.

RESOLVED to

- (1) grant planning permission subject to the conditions substantially in the form of those listed in the draft decision notice subject to amendments to require submission of details of fenestration to the three storey elements of the development to address the Committee's concerns regarding light and views out;**
- (2) delegate authority to determine the final details of the conditions to the Head of Development Management and Regeneration.**

11 SITE OF FORMER GREY MARE PUBLIC HOUSE, FARNBOROUGH ROAD

Prior to consideration of the item, Councillors Klein, Smith and Wood re-joined the meeting.

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/00828/PFUL3, submitted by RD Architects on behalf of Dimplex Developments Limited, for erection of a 75 bed residential care home, largely 3-storeys, with the building dropping to single storey in scale on the Farnborough Road elevation and vehicular access/egress off Widecombe Lane to a 19-space car park.

The Committee stated that it welcomed the proposed development as it was something the area needed in general and this site, in particular, has been derelict for many years.

RESOLVED to

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

12 FORMER BLENHEIM GARDEN ALLOTMENTS, BLENHEIM LANE

Prior to consideration of the item, Councillors Chapman and Neal left the meeting.

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 13/03051/PMFUL3, submitted by Amberley Consulting Limited on behalf of Chinook Sciences Limited, for an Energy from Waste facility (160,000 tonnes of waste per annum capacity), manufacturing, research and development facility and associated offices

Mr Poole stated the following:

- (1) the Waste Management Plan for England was published by DEFRA in December 2013. This plan reinforces PPS10, alongside the NPPF, as the current government policy on waste planning;
- (2) a further letter had been received from Nottinghamshire Wildlife Trust in response to the re-consultation exercise. The Trust's principal concern related to the impact of Nitrogen Oxide, Ammonia and Nitrogen on sensitive habitats in proximity to the development site. It was concerned that the Environmental Statement had not properly considered the potential impacts of these emissions on sensitive habitats in Local Wildlife Sites in proximity to the proposed site, particularly Bulwell Hall Park and Meadows, but also calcareous grasslands such as the Hucknall Airfield Local Wildlife Site. The Trust therefore objected to the scheme on the basis of inadequate emissions information. Their concerns in summary were as follows:
 - (i) the modelling was based on broad-brush models produced by DEFRA and not based on actual emission measurements locally, either to the proposed site or the sensitive habitat receptors;
 - (ii) it considered that the Air Quality Assessment was unclear in how the emissions from the proposed stacks and from increased traffic movements that would be associated with the operation of such a facility had been calculated and was concerned that these can have additive effects for the emission of Nitrogen Oxide;
 - (iii) it was particularly concerned by the impacts of Nitrogen Oxide and Nitrogen on vulnerable and scarce calcareous grassland habitats on a number of Local Wildlife Sites in the vicinity and considered it essential that there would be no increased risk to the degradation of these habitats as a result of the development;
 - (iv) it stated that the Air Quality Assessment showed that the predicted increments to annual average concentrations of the oxides of Nitrogen (NOx) exceed the Environment Agency's test for insignificance of 1% at Bulwell Hall Park and Meadows. This effect appears to have been discounted later in the Air Quality Report. It noted an argument that any increase in NOx could be significant on habitats already stressed by long term, constant exposure to these emissions which gave it concern;
 - (v) it noted that there appeared to be no emissions of Ammonia to the air test, which is of surprise to it as this has been undertaken for similar developments. It stated that Ammonia is particularly damaging to plants and can affect sensitive habitats through acidification;

- (vi) it stated that the Air Quality Assessment showed that annual average concentrations of Sulphur Dioxide (SO₂) are also more than the Environment Agency's test for insignificance of 1% for Bulwell Hall Park. SO₂ can also damage habitats through exacerbating acidification effects;
- (vii) the Air Quality Report showed that deposition of Nitrogen would increase at some of the sensitive sites locally and, given the Trust's concerns about the accuracy of the modelling, it would hope to see further examination of this potential impact;

In response Mr Poole confirmed that the Council's ecologist had been guided by Natural England on the impact of the development on local nature conservation interests. They considered the details of the Environmental Statement in respect to air emissions and their impact on SSSI sites in close proximity to the development and were satisfied that, subject to being carried out in strict accordance with the details of the application, the development would not damage or destroy the interest features for which the SSSI sites has been notified;

- (3) two further letters of objection had been received, from residents of Hucknall and of Woodlink, raising the following concerns:

- do not think that enough consideration has been given to the environmental and health impact of the proposals on the residents of Bulwell and Hucknall;
- the impact on air quality as a human right;
- the development is now bigger and with a higher chimney;
- the visual impact of the chimney, which will be seen from miles around;
- Bulwell being treated as a dumping ground and its residents as second class citizens;

In response Mr Poole confirmed that the planning issues raised are addressed in the main report;

- (4) a letter had been received from Ashfield District Council stating that they have no objections to the planning application. Mr Poole confirmed that its comments had been noted;
- (5) A further email had been received from Nottingham Friends of the Earth (NFoE) raising the following:
 - (i) requesting that the R1 status condition should be extended to cover the plant when operational. They highlighted the Environment Agency advice that 'The [R1] determination is a multi-stage process, the first stage being to determine whether or not the design is likely achieve R1. Subsequent stages of testing and verification would be completed once the plant was operational.' Therefore, if the facility fails to maintain R1 status in operation it will be a disposal plant;

- (ii) highlighting that as stated in the NFoE objection letter, DEFRA advises in its Energy from Waste Guide (p68) that gasification's 'advanced use with a mixed waste feedstock has not been proven on a commercial scale'. It should not therefore be assumed that actual performance will match design performance;
- (iii) stating that while a demonstration unit of 30,000tpa, as approved in 2013, might not be too embarrassing if it failed to achieve R1 status in operation, a 160,000tpa facility which failed to export significant amounts of electricity and heat would raise questions about the City's Energy Policy;

In response Mr Poole confirmed that condition 19 of the draft decision notice is intended to ensure that the details submitted to the Environment Agency are consistent with the details submitted for planning permission. It is considered that it would be unreasonably restrictive to extend this to an ongoing planning requirement in view of the control exercised through the Environment Agency's Permitting regime;

- (6) following further discussions with the applicant and having regard to the reason for condition 31 of the draft decision notice, and the relationship between the storage of hazardous substances and the manufacturing/office elements, it is recommended that the wording of conditions 30 and 31 be changed to read as follows:

Condition 30

'The approved buildings shall not be used other than for their intended purpose and proposed floorspace for the manufacturing, research and development, offices and the Energy from Waste facility element of the development, as shown on approved drawing SE_12_A01 Rev G.';

Reason: To maintain the employment and regeneration benefits of the site to comply with Policy E2 and E3 of the Nottingham Local Plan (2005);

Condition 31

'The Energy from Waste facility shall not be brought into operation and no waste for processing shall be brought onto the site until such time as either:

- (i) A hazardous substances consent for the storage of gas in the accumulators has been issued, and it has been demonstrated to the written satisfaction of the Local Planning Authority that any consultation zones defined by the Health and Safety Executive (HSE) around the gas accumulators would not result in the HSE advising against development substantially of the form envisaged by the planning application, whether or not erected pursuant to this planning permission, within the area of the proposed manufacturing, research and development and office buildings; or
- (ii) The manufacturing, research and development and office buildings have been constructed and made available for use;

Reason: In order to facilitate the regeneration of the site and to ensure that the operation of the Energy from Waste plant does not prejudice the availability of other land within the site for employment purposes in accordance with Policy E2 and E3 of the Nottingham Local Plan (2005).

In response to questions from members of the Committee, Mr Poole provided clarification as to the interrelationship between the various elements of the proposal in the context of its allocation as an employment site in the Local Plan, the role of the planning regime in the delivery of jobs and the interrelationship between the planning regime and the Environment Agency's Permitting regime. In relation to the latter Richard Taylor, Environmental Health Officer, also provided information as to the extent to which the Council had responsibility for pollution control, being in relation to human health rather than flora and fauna which was the remit of the Environment Agency. Laura Cleal, Highways Officer, also confirmed that neither the Council nor the County Council, who were responsible for roads in the vicinity of the site, including Nuthall Island, had any objection to the development as the traffic predicted to be generated by the development could be accommodated on the existing network. It was noted that the impact of rush hour traffic would be a matter of logistics for the developer.

In response to questions from the Committee regarding the accuracy of the conclusions of the Air Quality Assessment, Mr Poole confirmed that the information provided in support of the application by the applicant had been carefully analysed and assessed against policy and also that it had been provided to statutory consultees for their review and comment as appropriate. As a consequence of this exercise, and taking account of the mitigation proposals set out in the submitted Environmental Statement, including the requirement for the development to secure a permit from the Environment Agency to operate, which would include assessment of the impacts of the proposal on flora and fauna, the officers were comfortable recommending approval of the application.

Despite these assurances, the Committee remained concerned that the Air Quality Assessment identified two sites, where an adverse impact was predicted despite its overall conclusion, and wished to ensure that the impact of the development on these specific sites would be tested before development took place. Mr Poole confirmed that this could be achieved by condition.

RESOLVED

- (1) that the requirements of Part 2 of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are satisfied by reason of the Environmental Statement submitted in support of the application, including at least the following information:**
 - (a) a description of the development, comprising information on the site, design and size of the development, and of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;**

- (b) the data required to identify and assess the main effects the scheme is likely to have on the environment;**
 - (c) an outline of the main alternatives studied by the applicant and an indication of the main reasons for rejecting these, taking into account the environmental effects;**
 - (d) a non-technical summary of the information provided under (a) to (d) above;**
- (2) that the implications of the development, addressed in the Environmental Statement, subject to the mitigation measures proposed, do not amount to major adverse effects or main effects or other adverse impacts that would justify the refusal of the application;**
- (3) that in making the decision on this application, the environmental information, being the Environmental Statement and the representations received on it, have been taken into account and that the Environmental Statement meets the minimum requirements of Part 2 of Schedule 4 to the Environmental Impact Assessment Regulations 2011 and is sufficient, having regard to Part 1 of Schedule 4 to those Regulations;**
- (4) that Regulation 24(1) of the Environment Impact Assessment Regulations 2011 be complied with as soon as reasonably practical and the Head of Development Management and Regeneration be delegated to undertake the necessary requirements, namely to:**
 - (i) notify the decision in writing to the Secretary of State;**
 - (ii) inform the public of the decision by newspaper advertisement;**
 - (iii) to place on deposit for public inspection a statement containing the content of the decision and the conditions attached to it, the main reasons and consideration on which the decision is based and a description, where necessary, of the main measures to avoid, reduce and, if possible, offset any major adverse effects of the development, and also to contain information on the ability to, and procedures for, challenge of the decision;**
- (5) subject to the imposition of an additional condition to secure the testing of the impact of the proposed development on the two sites identified in the current Air Quality Assessment as likely to suffer an adverse impact and to ensure that any such impact will be adequately mitigated before development takes place , to grant planning permission and authority to determine the final details of the conditions be delegated to the Head of Development Management and Regeneration.**

13 VICE-CHAIR

At the conclusion of the Committee's formal business, Councillor Dewinton, with the agreement of the Chair of the Committee, made a short statement in respect of her

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having resigned the Majority Group whip and her future intention to continue to assist residents with their concerns about planning issues , albeit that this may not be as a member of the Committee. She also thanked the Chair and other committee members and officers for their support and attention to her as a member of the Committee.

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WARDS AFFECTED: Dales

Item No:

PLANNING COMMITTEE
20th August 2014

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site Of Society Linen And Electricity Substation, Daleside Road

1 SUMMARY

Application No: 14/01140/POUT for outline planning permission

Application by: Signet Planning Limited on behalf of Cedar House Investments

Proposal: Development of foodstore (Class A1) of 1,531 sq.m. gross, together with other retail units (Class A1) of 2,787 sq.m. in total; restaurant building (Class A3) of 186 sq.m.; employment/ancillary use building (Class B1/Class D1) of 311 sq.m.; 235 car parking spaces; access; public realm and strategic landscaping. Appearance reserved for restaurant and employment/ancillary use building. Details of landscaping reserved across site as a whole (Hybrid application for full/outline permission).

The application is brought to Committee because it is a proposal for a major development in the Waterside Regeneration Zone and raises important issues in relation to its local and wider context.

To meet the Council's Performance Targets this application should have been determined by 19th August 2014

2 RECOMMENDATIONS

1. **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

- (a) prior completion of a Section 106 Planning Obligation which shall include:
 - i) a financial contribution of £60,000 towards environmental improvements to the Greenway public right of way to improve pedestrian and cycle connections to the site.
- (b) indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

2. That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind

to the development.

3 BACKGROUND

- 3.1 This is a 1.8 ha cleared site of the former Sunlight laundry located on the north-western side of the roundabout junction of Daleside Road A612 with Trent Lane. Following demolition of the former buildings in 2008, the heavily contaminated site was remediated by the applicants.
- 3.2 Neighbouring properties on the northern side of Daleside Road are predominantly in industrial and warehouse use, but there is a pair of two storey semi-detached houses adjoining the application site boundary to the west on Daleside Road. There is another large cleared site further to the west. Virgin Media's offices and depot are located on the north-eastern side of the roundabout and front onto Daleside Road. The frontages to the southern side of Daleside Road comprise a variety of commercial uses including equipment hire, various manufacturing and metal fabrication premises, electrical contractors and a café and car sales site. The Sneinton Greenway runs east-west on a former embankment immediately to the north of the site and the railway line from Nottingham to Grantham and Newark runs immediately to the north of and parallel to it. The Greenway Community Centre lies on the western side of Trent Lane to the north of the railway.
- 3.3 Pedestrian access northwards along Trent Lane and into Sneinton is via a bridge arch beneath the elevated Greenway and across a pedestrian bridge recently provided by Network Rail, which removed the previous level crossing.

4 DETAILS OF THE PROPOSAL

Proposed Development

- 4.1 The submission is a hybrid application, meaning one that seeks full planning permission for part of a site and outline planning permission for the remaining part. In this instance the full submission element is for a proposed Aldi foodstore and other Class A1 retail units and the outline element is for the proposed restaurant and employment/ancillary use buildings.
- 4.2 The layout of the proposed development is in two principal blocks. The proposed Aldi foodstore is positioned to the west of the site, perpendicular to Daleside Road and with its primary elevation facing towards the proposed car park. The proposed retail units (five) are in a single block to the rear of the site again with their primary elevation facing towards the proposed car park. The proposed employment/ancillary use building is positioned at the eastern end of the proposed retail units and next to Trent Lane. The proposed restaurant building is positioned proximate to the corner of the site at the roundabout junction between Daleside Road and Trent Lane.
- 4.3 Access to the 235 space car park of proposed development would be off Trent Lane, with a second independent access also being provided off Trent Lane for service vehicles. Servicing would be carried out to the rear of the proposed retail buildings, including a goods vehicle turning area and staff parking spaces to the north-west corner of the site.
- 4.4 Areas of hard and soft landscaping are to be provided primarily around the

perimeter of the site. Pedestrian routes are included across the frontages of the retail units and through the car park area.

Planning History

- 4.5 The application site has a recent and relevant planning history. Outline Planning Permission was first granted on 6 May 2011 for the erection of a new convenience goods store, Class A1 retail, Class A3 restaurant/cafe uses and Class B1 uses and car parking (10/00457/POUT). Permission to vary a condition of this consent was also granted on 7 October 2011 (11/01661/PVAR3) and provided scope for the convenience goods store to be developed and used without the associated development of the approved Class B1 offices. This varied consent is a new Outline Planning Permission in its own right and remains extant until 7 October 2014.
- 4.6 The assessment and recommendation on the original application was very finely balanced in terms of its planning policy implications and whether it would deliver local regeneration benefits. There was particular concern that the proposed convenience store would not meet the needs of existing communities or those yet to be established, but would instead function as an out of centre superstore attracting mainly passing car-borne trade using Daleside Road. Balancing this was the prospect that the primary retail development of the site could provide the catalyst for investment that this part of the Waterside Regeneration Area needs and that the package of s106 benefits would help to overcome the issues of accessibility to local residents presented by the site..
- 4.7 The applicant has advised that the site has been on the market for the period since Outline Planning Permission was first granted. However, it has not been capable of being delivered given the economic downturn and lack of large foodstore operators being interested.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 Following the format of the previous applications, there has been extensive consultation on the application. A total of 479 individual neighbour letters have been issued, advising residents and businesses of the application submission. Site and press notices have also been posted. The following responses have been received:
- 5.2 **Nathaniel Lichfield & Partners on behalf of Intu Properties plc:** The application site is in an out-of-centre location as indicated within the NPPF. Out of centre retail development must not have a significant adverse impact upon the vitality and viability of Nottingham City Centre and upon planned investment in the City Centre. Our client is concerned about the implications of these application proposals upon planned investment at intu Victoria Centre and intu Broadmarsh.

Intu is concerned that the size of the proposed five open A1 units, which range between 465 – 743 sq.m, could attract comparison retailers resulting in an adverse impact on the City Centre. It is likely these units will be occupied by national multiple comparison goods retailers, which should be located within the City Centre, in accordance with the sequential approach.

In relation to convenience floorspace, the application seeks open A1 permission for

the five units, although states that it is likely these will be taken by non-food operators. The convenience goods impact assessment does not include this floorspace. The impact assessment is therefore flawed and needs to be reviewed.

Following the review of a robust impact and sequential assessment that meets the requirements of the NPPF, if the Council decided to recommend approval we request that conditions are attached to limit the size of retail units to a maximum of 300 sq.m gross internal floor area in order to avoid prejudice to the vitality and viability of defined centres. It is also requested that the net sales area of the foodstore be limited to 1,125 sq.m including any floorspace provided through mezzanine floors, and that the sale of comparison goods be limited to no more than 30% of the net sales area of the foodstore.

- 5.3 **Chair of River Crescent Residents Association:** Support proposal. In order to help achieve the City Council's objectives for the realisation of the long awaited Waterside Regeneration, It is essential to provide the amenities of a food store, restaurant and retail units within walking distance of the existing and proposed housing developments in this important regeneration area.
- 5.4 **Tenant of River Crescent apartments:** Support proposed supermarket and other businesses.

Additional consultation letters sent to:

- 5.5 **Planning Policy:** This application primarily proposes out of centre retail in the Waterside Regeneration Zone as defined in the Local Plan. Policies S5 'New retail development on the edge of or outside existing centres' and MU6 'Waterside Regeneration Zone' are therefore of particular relevance. In the emerging Local Plan (LAPP), the site is allocated (LA67) and provisionally considered suitable for A1 retail, B1 office and A3 restaurant café uses.

In 2011, outline planning permission (ref: 10/00457/POUT) was granted for a 3588sqm new convenience goods store, 766sqm A1 retail/A3 restaurant/cafe uses and 1865sqm B1 office uses. It is acknowledged that the current proposal, whilst of similar retail floor space quantum, is materially different by way of provision (comparison and convenience shopping mix) and layout.

The sequential and impact assessments submitted accord with NPPF requirements. It is considered that there are no alternative sequentially preferable sites available and any potential impacts, particularly on the city centre are likely to be minimal.

In accordance with policies MU6 and S5, it is considered that the development would assist in enabling wider regeneration aims and redevelopment of brownfield sites for a variety of uses, providing a valued contribution to the Waterside Regeneration Area. The recent planning permission for Trent Basin is also noted, as is support for the scheme from occupants at River Crescent. It is considered that the food store element of the proposal would provide for and serve the local area, a requirement identified in the Waterside Interim Planning Guidance.

Paragraph 3.7 of the Retail and Economic Assessment notes that the 'supporting retail floorspace of 2,787 sqm gross to accommodate a minimum of five retail units ranging in size from between 465 sqm and 743 sqm gross'. In view of the above, this is considered acceptable subject to planning conditions to reflect the layout as

submitted, to ensure the supporting retail provision remains in this role.

- 5.6 **Highways:** No objection subject to revisions to layout. It is requested that the number of accesses onto Trent Lane be reduced in order to control traffic flows and ensuring highway safety. Details of the car park access should also provide greater pedestrian provision. East-west pedestrian movement through the car park could be improved. Construction Traffic Management Plans will be required for each phase of the development. Drainage details incorporating SUDS techniques are also required.
- 5.7 **Pollution Control:** Note the history of previous decontamination of the site. Advise that the applicant should provide information regarding the current condition of the site in order to confirm the need or otherwise for contaminated land and gas conditions. Recommend condition to require a noise management plan in relation to proposed Aldi store (Unit G) given adjacency to nearest residential properties. Also recommend that operating and servicing times for the development should be conditioned.
- 5.8 **Environment Agency:** No objection subject to conditions relating to surface water drainage and mitigation of risk of surface water pollution.
- 5.9 **Nottingham Regeneration Limited:** Support. For several years NRL has been seeking to promote the redevelopment of Nottingham Waterside and Trent Basin in particular. River Crescent has just secured its future and development is about to start at Trent Lane. Both these schemes and other residential developments that will come forward will require access to local services, including a small food store, which are not currently present within the area. It was previously accepted that the proposed local centre would be better located at the application site and as such the current proposal is consistent with that policy aspiration, particularly if developed alongside complementary restaurant and employment/ancillary uses. As such NRL is supportive of the proposal in principle and we trust that the applicant can be encouraged to proceed with the development as soon as possible in order provide the confidence to the residential developers within the area.
- 5.10 **Network Rail:** No objection subject to requirements that site drains away from railway infrastructure and works are carried out in a manner that does not endanger safe operation of railway. A trespass proof fence must be provided adjacent to Network Rail's boundary. Details of landscaping and lighting should be carefully considered in relation to railway operation. Recommend that these matters are conditions of any consent.
- 5.11 **Nottingham Civic Society:** Objection. Development claims to be a new Local Centre for Sneinton and Waterside but it makes no attempt in its design, to create a sense of place from the new buildings and spaces. The layout proposed represents an out-dated model of retail parks designed solely for the convenience of those arriving by car, resulting in townscape dominated by soulless car parks and large scale advertising as the only means of orientation. Instead, the shops should be sited to front the streets with entrances directly from Trent Lane and Daleside Road and with a significant building acting as a focal point positioned at the junction. The architectural language should reflect the different uses proposed. This would improve legibility by starting to give Daleside Road its own urban identity, demonstrating Nottingham's ambition for the wider regeneration of Waterside. Creative designers could provide appropriate public realm giving easy access to those arriving on foot, by public transport, by bike and by car. As proposed, the

layout makes approaching on foot an inconvenient or dangerous experience. No safe, direct route across the site to the supermarket is delineated. Pedestrians are expected to take the long walk around the car park or risk the direct line through manoeuvring parking traffic. The Civic Society considered that the layout should be reconsidered as it is currently unacceptable in terms of its urban design.

- 5.12 **Nottinghamshire Wildlife Trust:** Recommend measures are secured to enhance the biodiversity of the site. Consider gains could be achieved through landscaping. Would recommend bat and bird boxes are included on site. W also like to see inclusion of green or brown roofs.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications.
- 6.3 Paragraphs 23 – 27 advise on the consideration of out-of-centre retail developments. Paragraph 24 requires the application of a sequential test for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 6.3 Paragraph 56 states that great importance is attached to the design of the built environment, with paragraph 61 advising this not just limited to architectural appearance but wider design issues.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Nottingham Local Plan (November 2005):

ST2 - A Successful Economy.

ST4 - Integration of Planning and Transport

S5 - Retail development, Edge/Outside Centres.

MU6 - Waterside Regeneration Zone.

MU7 - Waterside Regeneration Zone Sites.

BE1 - Design Context in the Public Realm.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

E4 - Previously Used Employment Sites.

NE9 - Pollution

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T2 - Planning Obligations and Conditions

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues:

- (i) Retail development of the site.
- (ii) Regeneration of the area.
- (iii) Layout and design.

(i) Retail development of the site (Policies ST2 and S5)

- 7.1 The baseline for the consideration of the current application is the extant Outline Planning Permission, which provides for the development of the site including a large convenience goods store, other retail and office uses.
- 7.2 In granting Outline Planning Permission for a primarily retail/foodstore development, Committee was advised on local retail planning Policy S5 and national planning policy at that time (PPS4). Concern was noted that the proposed retail store may not meet the local shopping needs of existing communities or those yet to be established, and that the development could function instead as an out of centre superstore attracting mainly passing car-borne trade using Daleside Road. Consideration was also given to the implications for the ability to provide anchor food stores at both Victoria Centre and Broadmarsh, and that there could be an impact on existing local centres, particularly Sneinton Dale.
- 7.3 Balancing these concerns was the prospect that the primarily retail/foodstore development of the site would provide for the regeneration of a prominent site within the Waterside Regeneration Area and would help stimulate the residential development of proximate regeneration sites, including Trent Basin. A comprehensive package of regeneration benefits was also to be provided through S106, including environmental/public realm improvements; a pedestrian bridge over the railway; a shoplinc bus service for Sneinton residents; and local employment and training opportunities in the construction and operational phases of development.

- 7.4 The Committee report concluded that, although there were clear and significant planning policy concerns about the proposed development, on a very finely balanced assessment of the planning considerations it was considered that the proposal would provide an opportunity to progress regeneration in a difficult economic climate where other alternatives did not appear to be forthcoming.
- 7.5 The current application differs from the previous consent in the scale and format of development that is proposed. The proposed Aldi foodstore element is significantly smaller, 1,531 sq.m. compared to the previous 3,588 sq.m., and the proposed (five) retail units are cumulatively larger, 2,787 sq.m. compared to the previous 766 sq.m. In both cases the level of retail floorspace proposed has required sequential test and retail impact assessment in accordance with paragraphs 23 to 27 of the NPPF and Policy S5 of the Local Plan.
- 7.6 In relation to the sequential test, the application submission has considered alternative sites, including the current Local Plan allocations at Moreland Street and other vacant sites including the former Kwik Save building at Hermitage Square, vacant Co-op building on Carlton Road, and The Island Site off Manvers Street. This repeats the test that was applied to the previous consent and concludes that the site remains in the most sequentially preferable location that would serve the residents of Sneinton and future residential redevelopments in the Waterside Regeneration Area.
- 7.7 Planning Policy advise that the sequential and impact assessments submitted accord with NPPF requirements and concur that there are no alternative sequentially preferable sites available. It is also advised that any potential impacts, particularly on the city centre, are considered likely to be minimal. The emerging Local Plan (LAPP) has also allocated the site as being provisionally suitable for A1 retail, B1 office and A3 restaurant café uses.
- 7.8 Being significantly smaller than the previously approved foodstore, is considered that the proposed Aldi foodstore is consistent with the position that had been reached in determining the previous Outline Planning Permission. It is expected that foodstore will provide for the existing and emerging local need, and could act as a catalyst to help secure the desired regeneration of the Waterside area. With access to Sneinton already having been improved by the recent pedestrian bridge across the railway, it is also considered that the proposed Aldi foodstore will help to serve the needs of residents of this area.
- 7.9 The applicant advises that other proposed retail units are likely to be occupied by non-food/comparison good retailers and that an open Class A1 consent is being sought in order to provide maximum flexibility to attract future tenants. The applicant also advises that they intend to build at least two of the five illustrated retail units as phase 1 of the development with the rest of the units being phase 2.
- 7.10 The retail impact of the proposed development has assessed the type of retailers who would typically occupy units of the size proposed and who are represented in the 'local shopping centre' role that is intended. The comparison goods impact has also assumed that the scheme will comprise a minimum of five units and that, on this basis, concludes that the trading impact of the proposed units would have a minimal impact on other centres, including the city centre.
- 7.11 It is appreciated that the application illustrates the intent to provide five retail units

and that the development block has been purposefully configured for the units to be delivered in this way, giving a range of unit sizes of between 465 to 743 sq.m. However, it is considered that an open Class A1 consent could harm to the provision of comparison goods retailing within appropriately defined areas of the city including the city centre. More significantly, it is considered that an open Class A1 consent and potential future amalgamation of units could undermine the contribution that the proposed development would make to the regeneration of the area. It is appropriate that the regeneration benefits of the site are secured and, to this extent, it is recommended that conditions are attached to any consent requiring that a minimum of five retail units are provided and limiting the maximum size of any individual unit to 750 sq.m, which is also consistent with the applicant's stated intent that the development will create a new local centre for Sneinton and the adjacent Waterside area.

(ii) Regeneration of the area (Policies MU6 and MU7)

- 7.12 Policy MU6 of the Local Plan sets out the considerations that should contribute towards the creation of a vibrant mixed use riverside quarter in the Waterside Regeneration Zone. Policy MU7 identifies the key sites for development, including Site MU7.2, the 11.72 ha Trent Basin site located to the south of the site between Daleside Road and the river. The Waterside Regeneration Interim Planning Guidance also recognises that Daleside Road is a key route into the city from the east and its frontages offer potential for high quality redevelopment.
- 7.13 It is considered that the appropriate redevelopment of this vacant site in a prominent location could contribute towards the City's agenda for transforming neighbourhoods and providing opportunities for local employment. The key issue has been whether a retail development of the site would provide the appropriate impetus that the area needs for regeneration and investment.
- 7.14 The site has been remediated and has available for redevelopment for several years, and has been actively marketed for the development following the previous grant of Outline Planning Permission without success. The applicant has now secured Aldi for the foodstore element of the proposed development and there is now, therefore, a significant likelihood that the site will be developed upon any grant of consent.
- 7.15 Committee will also recall the recent grant of planning permission at Trent Basin and the prospect that this development will commence later this year, providing 41 new homes as part of the phased development of up to 160 dwelling on this site.
- 7.16 The provision of a pedestrian bridge crossing of the railway by Network Rail has also helped towards improving the safety and environment around the railway crossing and benefits pedestrian movement from Sneinton towards the application site and to future developments in the Waterside area.
- 7.17 It is in this context that the regeneration of the area can be viewed with much greater confidence than has previously been the case. It is, therefore, considered that the proposed development accords with Policies MU6, MU7 and the Waterside Regeneration Interim Planning Guidance.

(iii) Layout and design (Policies BE1, BE2 and BE3)

- 7.18 The layout of the proposed development provides an 'L-shaped' arrangement of

building blocks, with the proposed Aldi foodstore benefiting from being highly visible on the frontage of the site to Daleside Road. The other larger retail block sits back within the site behind the proposed central car parking area and also addresses Daleside Road. The smaller proposed restaurant building is placed adjacent to the roundabout and whilst being modest in size, will also benefit from being prominent at this position. The remaining employment/ancillary use building is positioned adjacent to Trent Lane and next to the access to the proposed car park and would have a good presence.

- 7.19 The principal access to the site is appropriately off Trent Lane, with a secondary service access to the rear between the retail blocks and the railway, ensuring that servicing is not a prominent aspect of the proposed layout.
- 7.20 Pedestrian accesses through the proposed layout are off Trent Lane and Daleside Road and provide a convenient route across the frontage of the retail units as well as offering an alternative route between Trent Lane and Daleside Road. A further alternative pedestrian route is also provided across the car park, which has been realigned to provide a more convenient access through the site. Trees have also been introduced into the car park area to break up the extent of hard surfacing and to improve the amenity of the pedestrian routes.
- 7.21 Perimeter hard and soft landscaping is provided that will enhance the appearance of the site and environment of the wider area, with focal points being provided at the proposed Aldi foodstore and restaurant building. Cycle parking is also provided at these points, being securely located adjacent to the building entrances.
- 7.22 The proposed Aldi foodstore is specific to their design requirements, being a single storey building with a mono-pitched roof. A high quality red brick base (in an English garden wall bond) is proposed to reflect the local area, with a lighter polyester powder coated composite panel above. The frontage corner of the building is to be fully glazed and a cantilevered glazed canopy is used to mark the entrance to the building.
- 7.23 The proposed orientation of the Aldi foodstore and mono-pitched design of the roof has considered the relationship with the neighbouring two-storey semi-detached houses, with the eaves level of the foodstore being similar in height to the eaves of the houses. The entrance to the foodstore is also positioned to avoid nuisance to these neighbours.
- 7.24 The other proposed larger retail block takes its design reference from the Aldi foodstore, using the same red brick base and with a contrasting dark grey polyester powder coated panel system. The rear of the block is to be elevated in the same materials. Signage zones are identified at the first floor level of the building and are of a consistent size and rhythm.
- 7.25 The design of the remaining proposed restaurant and employment/ancillary use buildings has been reserved for later submission as part of the hybrid nature of the application, but is anticipated to follow the established aesthetic of the development.
- 7.26 It is considered that the proposed layout and unified design of the proposed retail buildings will provide the proposed development with a local identity that is considered appropriate to the site and area in accordance with Policies BE1, BE2 and BE3 of the Local Plan.

Other Material Considerations

Highways (Policy T3)

- 7.27 Highways have advised that there is no objection to the proposed development subject to a revision to the number of accesses off Trent Lane, which the applicant has agreed. Pedestrian provision within the proposed layout has also been improved by the realignment of the route across the car park. The requirement for Construction Traffic Management Plans is a proposed condition of consent. It is considered that the proposed development accords with Policy T3 of the Local Plan.

Flood Risk and Drainage (Policy NE10)

- 7.28 Highways and the Environment Agency refer to the need for drainage details relating to the disposal of surface water, incorporating SUDS, and to avoid the risk of surface water pollution. Planning conditions are recommended as conditions of any consent in accordance with Policy NE10.

Pollution and Contamination (Policies NE9 and NE12)

- 7.29 Pollution Control acknowledge the history of the decontamination of the site and have requested that the applicant provides information relating to the current condition of the site. Planning conditions have been included on the draft decision notice should the applicant be unable to provide this information in accordance with Policy NE12 prior to the issue of the permission.. The need for planning conditions to require the submission of details of a noise management plan relating to the operation of the proposed Aldi foodstore and operational and servicing times for the development as a whole is also acknowledged and is considered appropriate in the interests of the proximate residential properties in accordance with Policy NE9.

Planning Obligations (Policies T2 and ST4)

- 7.30 The previous Outline Planning Permission was to provide a comprehensive package of regeneration benefits through S106, including environmental/public realm improvements; a pedestrian bridge over the railway; a shoplink bus service for Sneinton residents; and local employment and training opportunities in the construction and operational phases of development. It has been noted that the pedestrian bridge over the railway has since been provided by Network Rail.
- 7.31 The applicant has advised that there has been no commercial interest in developing a food superstore of the size previously consented and that the proposed development is submitted in order to regenerate the site and to recover the costs of the purchase and remediation. The applicant has, therefore, advised that the S106 benefits associated with the previous consent cannot now be afforded.
- 7.32 A viability appraisal has been submitted in support of the application and this has been comprehensively reviewed. Accordingly, Committee is advised that the proposed development would not generate a commercial return that could support S106 and that it would not be appropriate to require this in the context of the proposed regeneration of the site.

7.33 The applicant has however advised that, notwithstanding the conclusion of the viability appraisal, they are willing to support resurfacing works and direction signage works to the adjacent Greenway public right of way to a sum of £60,000. The site has been considered to lack connectivity with the local area where it is being promoted to serve as a local centre. In relation to the Greenway route, it is considered that there are two areas of local housing that would benefit from improved walking and cycle connections to the site, being Bendigo Lane to the east of the site and Ivatt Drive to the west. These areas of housing are already connected to the Greenway and would benefit from improvements to its condition to encourage its use. A financial contribution towards local employment and training as part of the proposed development will also be provided.

8. SUSTAINABILITY / BIODIVERSITY (Policy BE4)

8.1 It is proposed that a 'fabric-first' approach is used to minimise energy consumption of the proposed Aldi foodstore. It is advised that Aldi foodstores are designed with high efficiency equipment and lighting and, through the use of a well considered thermal envelope, the building's heating demand is reduced to a level where the waste heat rejected from the process cooling plant is sufficient to provide the building's entire heating load, making up around 25% of the building's CO₂ emissions.

8.2 It is proposed that the block of retail units will also use a 'fabric-first' approach, with photovoltaic panels also being used in this instance where the tenants for the units are not known. The photovoltaic panels would be mounted on the roof of the block. It is advised that this would equate to a 10.2% reduction in CO₂.

8.3 It is considered that a 'fabric-first' approach and installation of photovoltaic panels is an appropriate means to achieve carbon reduction targets and, subject to a requirement to implement the development using this approach, is in accordance with Policy BE4.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: would provide high quality and sustainable development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction and operation of the development.

Safer Nottingham: 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: 14/01140/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N5JY68LYCB000>

2. Nathaniel Lichfield & Partners on behalf of Intu Properties plc, 19.6.14

3. Chair of River Crescent Residents Association, 16.6.14

4. Tenant of River Crescent apartments, 13.6.14

5. Pollution Control, 1.7.14

6. Highways, 25.6.14

7. Environment Agency, 15.7.14

8. Network Rail, 29.5.14

9. Nottinghamshire Wildlife Trust, 12.6.14

10. Nottingham Civic Society, 31.7.14

17 Published documents referred to in compiling this report

National Planning Policy Framework

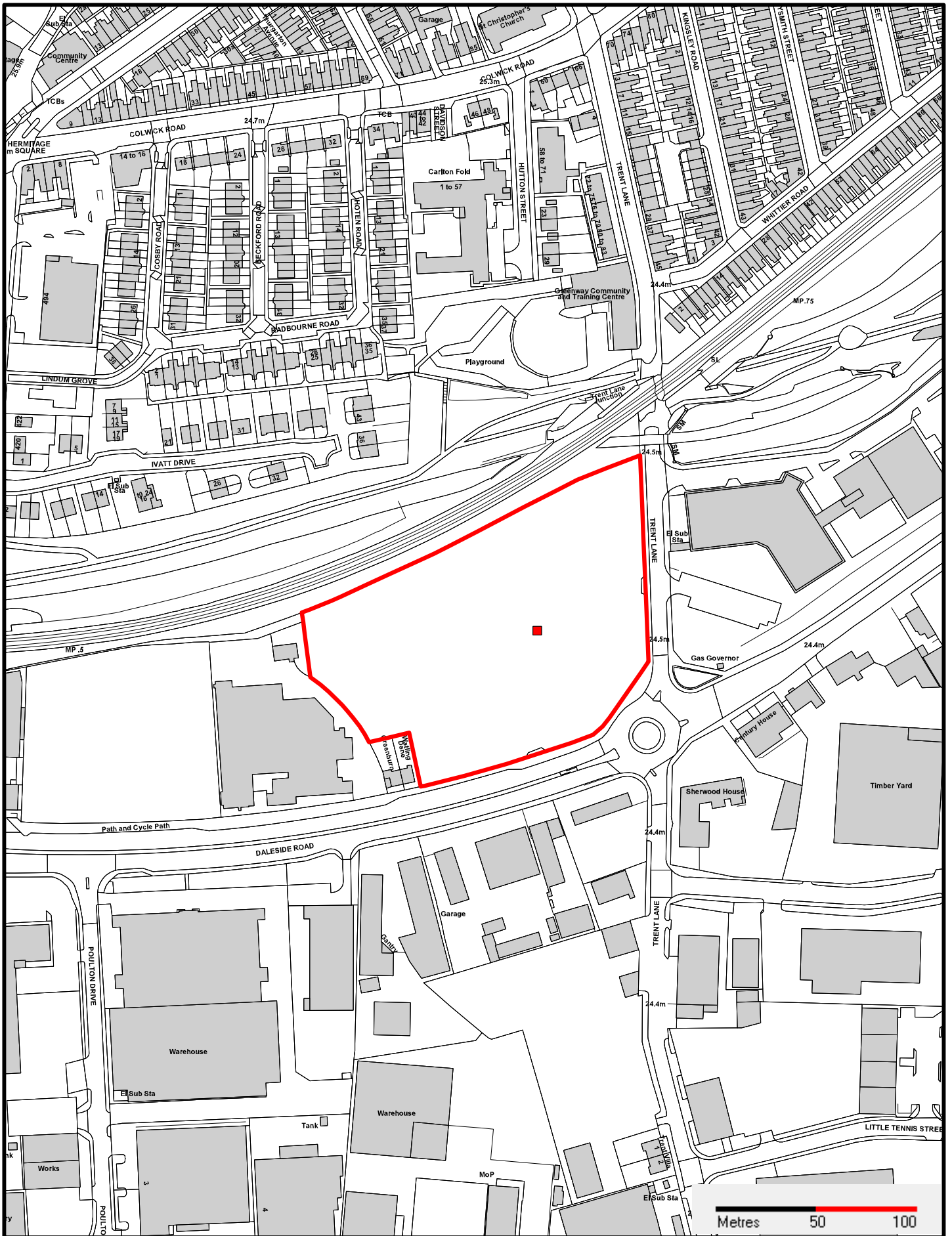
Nottingham Local Plan (November 2005)

Waterside Regeneration Planning Guidance – November 2001

Contact Officer:

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My Ref: 14/01140/POUT (PP-03236446)

Your Ref:

Contact: Mr Jim Rae

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**Nottingham
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Mr Simon Chadwick
Signet Planning Limited
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10 East Parade
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Date of decision:

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

Application No: 14/01140/POUT (PP-03236446)
Application by: Cedar House Investments
Location: Site Of Society Linen And Electricity Substation, Daleside Road, Nottingham
Proposal: Development of foodstore (Class A1) of 1,531 sq.m. gross, together with other retail units (Class A1) of 2,787 sq.m. in total; restaurant building (Class A3) of 186 sq.m.; employment/ancillary use building (Class B1/Class D1) of 311 sq.m.; 235 car parking spaces; access; public realm and strategic landscaping. Appearance reserved for restaurant and employment/ancillary use building. Details of landscaping reserved across site as a whole (Hybrid application for full/outline permission)

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

Time limit

1. 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.

2. Application for the appearance of the restaurant and employment/ancillary use buildings shall be made to the Local Planning Authority 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.

3. The restaurant and employment/ancillary use buildings shall be begun before the expiration of



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DRAFT ONLY

Not for issue

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Continued...

two years from the date of approval of the last of the reserved matters to be approved.

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)

4. The development of each building shall not commence until a Construction Management Plan for that building has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall provide for:

1. Details of temporary site entrances for construction traffic purposes.
2. Provision to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.
3. Adequate precaution to prevent the deposit of mud and other similar debris on the adjacent public highways.

The Construction Management Plan for each phase of development shall be implemented in accordance with the approved details.

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

5. The development of each building shall not commence until details of the external materials of that building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

6. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until details of all hard surface treatments within the site, including the roads, foot/cycle paths and parking areas, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

7. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

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



8. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the phase of development to which it relates is completed.

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

Note: Please refer to Informative 3 for further information on what should be included within these submissions.

9. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until such time as a scheme to install oil and petrol interceptors has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of pollution in accordance with Policy NE10 of the Nottingham Local Plan

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

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

11. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and be approved in writing by the Local Planning Authority:
1. A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 2. A Site Investigation, based on 1. above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. A Remediation Strategy, based on 1. and 2. above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 4. A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in 3. above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

12. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until an environmental noise assessment and sound insulation scheme has been submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not to exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

Reason: In the interests of the amenity of the occupants of neighbouring development and in accordance with Policy NE9 of the Nottingham Local Plan.

Pre-occupation conditions

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



13. No individual unit within the approved development shall be occupied until the following has been submitted to and approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

14. No individual unit within the approved development shall be occupied until written verification that the approved mechanical services plant or equipment (including any air handling plant) specified to serve that individual unit, including any mitigation measures, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the occupants of neighbouring development and in accordance with Policy NE9 of the Nottingham Local Plan.

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

15. Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes Order 1987 (as amended or any re-enactment thereof), no more than 15% of the net sales area of the retail foodstore hereby approved shall be used for the sale of comparison goods.

Reason: To avoid prejudice to the vitality and viability of shops within nearby town and local centres.

16. With the exception of the approved retail foodstore unit, no other unit within the approved development shall be altered or combined with any adjacent unit to form an altered or combined size in excess of 750 sq.m. of gross floorspace.

Reason: In order that the size of retail units do not have an impact on defined retail areas of the city, including the city centre, and to ensure that a range of retail units are maintained in the interests of the contribution that the approved development will make to the Waterside Regeneration Zone.

17. A minimum of five retail units shall be maintained within the approved block of retail units that are located to the rear of the site (2,787 sq.m. in total).

Reason: In order to ensure that a minimum number of retail units are maintained within the approved development in the interests of the contribution that the approved development will make to the Waterside Regeneration Zone.

18. The approved landscaping scheme for each phase of the approved development shall be carried out in the first planting and seeding seasons following the occupation or completion of the development of that phase, whichever is the sooner, and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local



DRAFT ONLY

Not for issue

Continued...

Planning Authority gives written consent to any variation.

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 20 May 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. Condition 8 requires the submission of details of a surface water drainage scheme for each phase of development. It is advised that the submitted scheme should include the following information:

1. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.

2. Limit the discharge rate generated by all rainfall events up to and including the 100 year critical storm plus an appropriate allowance for climate change to 30% betterment than the estimated Brownfield runoff rate. In an email from BWB Consulting to the Environment Agency on the 1st July 2014 an average rainfall intensity of 37.2mm/hr was agreed and therefore based on the parameters highlighted in the FRA the surface water discharged from the site shall be limited to no greater than 76.0 l/s.

3. Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.

4. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

5. Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Note:

1. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
2. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.
3. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.
4. The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

5. The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

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: 14/01140/POUT (PP-03236446)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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WARDS AFFECTED: Bridge

Item No:

**PLANNING COMMITTEE
20th August 2014**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Gresham Works, London Road

1 SUMMARY

Application No: 14/01297/PFUL3 for planning permission

Application by: CPMG Architects Ltd on behalf of Nottinghamshire Fire And Rescue Service

Proposal: New fire station and associated works following demolition of existing buildings.

The application is brought to Committee because this is 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 5th September 2014

2 RECOMMENDATIONS

2.1 **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

3.1 The application site is located on the west side of London Road and is bounded to the north by Crocus Street, to the west by Walleth Street and to the south by Waterway Street. It is currently occupied by a group of buildings known as the Gresham Works, which comprise a number of separate buildings, the oldest of which are early Edwardian. Until recently the buildings have been in use for a variety of Class B1, B2 and B8 uses. They are now largely vacant but one occupier remains on the site operating a car repair business.

3.2 To the north of the site on the opposite side of Crocus Street at the junction with London Road is a cleared site which is being used as a hand car wash. To the west of this is the Hicking Pentecost Phase II site which has planning permission for residential development. On the opposite side of Walleth Street are industrial premises. To the south of Waterway Street is a single storey industrial building and to the south east is the edge of the Meadows residential area. The nearest property in the Meadows is a day centre and the nearest residential property is approximately 50m from application site.

3.3 The site is located within the Southside Regeneration Zone.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the demolition of all the buildings on the site and the construction of a new fire station for the use of the Nottinghamshire Fire and Rescue Service. The fire station is proposed as a replacement for the existing fire station on Shakespeare Street and will also include accommodation for the Emergency Response Department which is currently located within the Guildhall.
- 4.2 It is proposed to erect a three storey building on the southern part of the site frontage to London Road which will accommodate the office accommodation and other ancillary facilities associated with the operation of a fire station. On the ground floor at the northern end of the London Road frontage, and integrated into the body of the building, is a double height garage area which will house three fire tenders with further accommodation for the Emergency Planning Department oversailing this.
- 4.3 At the rear of the building it is proposed to provide an open yard area on the northern side which would be primarily a fire tender lay down area but includes other ancillary facilities. A vehicular access is proposed into this area from Walleth Street which would be used by fire engines to gain access to the site. This area also includes a 15.5 m high training tower which would have a 6.5 m communication aerial affixed to the top. Egress for the fire tenders would be directly on to London Road from the garage. A 32 space staff car parking area is proposed on the south side of the rear part of the site which would have both access and egress to Walleth Street. A small visitor parking area is proposed with a separate access from Waterway Street. Cycle parking for 8 cycles is also proposed.
- 4.4 The proposed building is located on the main frontage but it is cranked part way along its length which creates a set back from London Road. The prime reason for this relates to achieving maximum visibility and safety for fire engines egressing the site in an emergency. The cranking of the building also enables three existing trees within the site on the London Road frontage to be retained and some additional public realm and soft landscaping to be incorporated, widening what is currently a narrow pavement.
- 4.5 The principal facades of the fire station are brick with a black brick proposed primarily at the lower level and red brick on the first and second floors. On the London Road frontage the ground floor includes glazing to the office accommodation and the gymnasium. On the upper floors the brickwork is split by full height glazed units and intermittent copper colour cladding panels. The roof is concealed from view by a parapet behind which will be a level area for fixing photovoltaic panels.
- 4.6 It is proposed that the perimeter walls of the site are constructed in black brickwork on the London Road ends of Crocus Street and Waterway Street, similar to the ground floor black brickwork. The remaining boundary would be a combination of red brick and railings which would maintain security and allow moderate visibility into the site.
- 4.7 Employment and training opportunities will arise from this development and the applicant has agreed to work with the Council's Employer Hub to secure the delivery of local construction employment opportunities.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised on site, in the press and the following nearby occupiers notified.

Units 1-10 Gresham Works; Building west of Gresham Works, Crocus Street; Pentagon House, London Road; and owner of Hicking Pentecost Phase II site.

- 5.2 In response a letter has been received from an occupier of the Gresham Works raising the following comments: The demolition of the Gresham Works will destroy his family business and livelihood of 45 years and will also result in the loss of eight jobs.

- 5.3 The Civic Society has also responded to consultation. It objects to the application for the following reasons: a very regrettable proposal since it makes no attempt to retain any part of the Edwardian industrial buildings which currently occupy the site – and until recently were in commercial use; the fire station brief presents challenges which suggest that this is not the right site for the use proposed; must be many sites within Regeneration Areas nearby which could accommodate the building and parking layout specified without the need to demolish these serviceable industrial buildings which exhibit strong local character; Gresham Works comprise robustly constructed, attractive brick buildings, adapted to their site with the curved corner building illustrating a fast disappearing feature of the Meadows' architecture and character.

Additional consultation letters sent to:

- 5.4 **Pollution Control:** No objections subject to clarification of the use of the training tower and whether there is any option to provide traffic light access on to London Road in both directions for safety and to avoid the use of sirens. Recommend conditions requiring contamination strategy and remediation, a noise assessment and sound insulation scheme, a noise management plan for the operation of the fire station and a noise and dust management plan for the demolition and construction period.
- 5.5 **Highways:** No objection. Advise that the proposed location of the fire station is on to one of the busiest routes in the City and there will be issues at times of heavy queuing and the subsequent impact of appliances exiting onto the highway (London Road). Consultation is currently ongoing between the Fire Service and the highway authority concerning the equipment to be installed within the fire station to provide an interface with the Traffic Control Centre computers and allow a 'green wave' to control the traffic signals at London Road / Queens Road and at London Road / Station Street. There will be a yellow box junction across the access and the additional signals work will complement this approach. Recommend conditions requiring a construction method statement, further details of parking proposals, details of surface water drainage and highway works.
- 5.6 **Tree Officer:** The three mature whitebeams on site are identified for retention but allocated insufficient space and there should be at least a further 1.5m clearance from the nearest new structure. Considers that the potential for more tree planting

on the London Road frontage should be considered. Recommends that an arboricultural method statement be secured by condition.

- 5.7 **Biodiversity and Greenspace Officer:** No objection subject to the undertaking of a further dusk or dawn bat survey of the existing buildings to check all suitable features for emerging or returning bats.
- 5.8 **Environment Agency:** No objection subject to conditions requiring the submission of contamination strategy and remediation and to ensure the development is undertaken in accordance with the Flood Risk Assessment.
- 5.9 **Urban Design:** The existing buildings have merit within the street scene and are considered an undesignated heritage asset. It is considered that the quality of the new building justifies the demolition of the existing Edwardian industrial buildings. The contemporary design and position within the site fronting London Road will help create a prominent and distinct building, along a busy arterial road into the city. The use of dark brick of the ground floor contrasting with the lighter brick above, as well as the contemporary windows and deep reveals, contributes to the visual interest of the building. The windows and entrance facing London Road are welcomed in order to encourage informal surveillance and activity of the street. Although the rear is more functional, it is considered inevitable in the light of the infrastructure associated with a fire station. However, a high quality landscaping scheme will help mitigate this indistinct side of the building.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 17 sets out the core planning principles, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; secure high quality design; support the transition to a low carbon future, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable resources; contribute to reducing pollution; and managing patterns of growth to the make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.3 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 To prevent unacceptable risks from pollution, paragraph 120 identifies that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment

or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Para 103 requires that it should be ensured that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test.

- 6.6 Paragraph 135 stated the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Nottingham Local Plan (November 2005):

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

ST1 - Sustainable Communities

MU2 - Southside Regeneration Zone

E4 – Previously used employment sites

BE1 - Design Context

BE2 - Layout and Community Safety

BE3 - Building Design

BE4 – Sustainability

BE5 - Landscape design

CE1 – Community facilities

NE3 - Conservation of species

NE9 - Pollution

NE10 - Water Quality and Flood Protection

NE12 - Derelict and Contaminated Land

T3 - Car, Cycle and Servicing Parking

Aligned Core Strategy (ACS) Publication Version (2012)

The Inspector's report has now been issued, which concludes that the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies provide an appropriate basis for the planning of the plan area over the next 14 years and is sound. The Council will now consider the Inspector's recommendations with a view to formal adoption of the plan which is likely to be in September 2014.

Policy 7 - Regeneration

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Policy 17 - Biodiversity

7. APPRAISAL OF PROPOSED DEVELOPMENT

- (i) Principle of development;
- (ii) Layout, design and appearance;
- (iii) Impact upon amenity of neighbouring occupiers;
- (iv) Transport impacts.

(i) Principle of development (Local Plan policies ST1, MU2 and E4)

- 7.1 The requirement for a new fire station has arisen from the decision of the Nottinghamshire Fire and Rescue Service to relocate the existing fire station from Shakespeare Street. A fire station clearly has specific site requirements and as part of this process a series of feasibility studies on a number of sites to the south of Nottingham City Centre were undertaken. Through this process Gresham Works emerged as a site which could provide the operational requirements of a fire station and could be delivered in the timescale proposed.
- 7.2 The proposal involves the loss of an existing employment use, albeit at the present time the buildings are only partly occupied as existing tenants, with one exception, have now been re-located. The fire station will provide accommodation for the re-location of an employment use within the City and because of the nature of the use will be in operation over a 24 hour period. The City Council's Emergency Planning Department are also to be based within the building which provides an employment based use. The comments of the one remaining occupier who operates a car repair business from the building have been referred to Property (the City Council own the site) and they have confirmed that they are working with him to find suitable alternative premises for his business to enable it to continue elsewhere.
- 7.3 The site is located within the Southside Regeneration Zone (SRZ) where it is anticipated that there will be regeneration and significant change. A fire station is appropriate to the mixed use nature of the SRZ and as an emergency service serving the wider community it is considered that the principle of the use of this site, on the edge of the Regeneration Zone is acceptable, subject to satisfying the other relevant Local Plan policies set out in the following sections. Policies ST1, MU2 and E4 are therefore satisfied.

(ii) Layout, design and appearance (Local Plan policies BE1, BE2, BE3 and BE5 and ACS Policy 10)

- 7.4 The proposal necessitates the demolition of all the existing buildings on the site. As identified by the Civic Society the early Edwardian industrial buildings on the site exhibit strong local character, particularly those on the London Road frontage and

Waterway Street and provide reference to the history of the site and the surrounding area in general, although none are listed or within a conservation area. The buildings are considered to be a non-designated heritage asset and as such the NPPF requires the effect of a proposal upon them should be taken into account in determining the application. It advises that in reaching a decision a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.

- 7.5 As part of the development of the proposal the architect did explore whether there was any scope for retention of buildings on the site but this did not prove feasible due to the external parking and operational areas required by the new fire station. The brief for the internal accommodation was also not suited to the conversion of the existing buildings. The application is also accompanied by a robust sequential test which demonstrates the site search process and the reasoning behind the choice of the Gresham Works as the site for the new fire station. In this case the proposal necessitates the total loss of the non-designated heritage asset. The loss of the buildings is regrettable but in this particular instance, given the nature of the development and its very specific site and operational requirements, the demolition of the buildings is considered necessary to secure the wider community benefit of a modern fire station facility.
- 7.6 The site is in a prominent location on London Road and within the SRZ and there is an expectation that the future development should achieve a good quality of design and positively contribute to the streetscape in the vicinity. The scheme proposes a three storey building on the frontage to London Road with the open operational areas set behind. The building height represents an additional storey as compared with the existing but this is considered to be an appropriate scale and will give the building some prominence. The alignment of the building along the frontage to London Road replicates the street enclosure provided by the existing buildings and the inclusion of full height glazing at all three levels within the building will create visual interest and an active frontage providing casual surveillance of the street.
- 7.7 The contemporary design and the siting of the building will create a distinctive, good quality building which will positively contribute to the streetscape along London Road. It is considered that the dark brick of the ground floor contrasting with the traditional red brick on the upper floors, together with the full height windows and the copper colour cladding panels, will add visual interest and reinforce the quality of the building. The rear elevation of the building is more functional and reflects the nature of the uses in this part of the site. Additional tree planting has been incorporated into the scheme which as they mature will soften this view of the building, particularly from Meadows Way.
- 7.8 The site is bounded on all four sides by streets and because of the nature of the use includes an open yard area at the rear. Strong boundary treatment around this area is important to reflect some of the current and grain of the block and protect the streetscene and character of the area. This would also include some of the more unsightly activities which will take place in yard area. A combination of wall and railings is proposed which will provide a robust form of enclosure whilst allowing some limited visibility into and out of the site.
- 7.9 A training tower with a communications aerial affixed to the top is proposed in the north western corner of the site. The tower would be constructed from the same dark brick proposed to be used on the ground floor of the building. The tower is an operational requirement for the fire station and it will be visible in views westwards

from London Road along Crocus Street. The brickwork does include panels of brick with a different bonding which will add some interest but given the functional nature of the tower there is limited opportunity to add to this.

7.10 The three existing trees along the London Road frontage are proposed to be retained and further tree planting is proposed around the edge of the site on the Wallett Street and Waterway Street frontages. The latter will help to screen and soften the yard area and the rear elevation of the building.

7.11 Policies BE1, BE2, BE3 and BE5 are therefore satisfied.

(iii) Impact upon amenity of neighbouring occupiers (Local Plan policies BE3 and NE9)

7.12 Currently the nearest residential property to the site is on Uppingham Gardens which at its closest point is approximately 50m from the site. This is sufficiently distant for the physical form of the development not to have any impact. The nearest building to the site is located to the west on the opposite side of Wallett Street. This is commercial use and it is not considered that the fire station would have an adverse impact upon this occupier.

7.13 An Environmental Noise report has been submitted with the application and this has identified that the operation of the fire station would have a number of noise impacts arising from the use of mechanical plant, car parking, noise during training and testing and from the emergency vehicles. It should also be noted that the Hicking Pentecost Phase II site on the north side of Crocus Street has an extant planning permission for residential development and therefore it is possible that in the future there could be residential development in much closer proximity to the site. To address potential issues arising from the operation of the site. Noise and Pollution Control have recommended conditions requiring the submission of an environmental noise assessment and a noise management plan which would regulate future noise generating activity on the site. Policies BE3 and NE9 are therefore satisfied.

(iv) Transport impacts (Local Plan policies BE2 and T3)

7.14 The nature of the development which requires fire tenders to be able to safely and quickly access the highway network in an emergency situation has been a major factor in the design of the scheme. The proposed location of the fire station is on a busy arterial route and the implications of fire tenders accessing this at times when it is congested have been considered. The London Road egress will only be in an emergency situation with the remainder of the vehicular movements via the access points from Wallett Street via Crocus Street. Information submitted as part of the application has shown that from the existing Central Fire Station there were 2731 mobilisations in 2013 which equates to an average of 7 per day. Highways are satisfied with the proposal to create a yellow box junction across the access point on to London Road as a means of ensuring the fire tender can egress the site. Further detailed work is required concerning the equipment to be installed within the fire station to provide an interface with the Traffic Control Centre computers to allow a 'green wave' to control the traffic signals at London Road / Queens Road and at London Road / Station Street. The details of this are required by condition.

7.15 Further details relating to the layout of the external area will also be secured by condition. It is considered that Policies BE2 and T3 are satisfied.

Other matters (Local Plan policies NE9 and NE10)

- 7.16 The application site is located within Flood Zone 2 and a Flood Risk Assessment has been submitted with the application. The Environment Agency has not raised an objection subject to conditions relating to ground contamination and to ensure the development is undertaken in accordance with the Flood Risk Assessment.
- 7.17 Noise and Pollution Control, whilst not objecting to the development, have raised a number of issues which can be satisfactorily dealt with by conditions relating to ground contamination and gaseous emissions.

8. SUSTAINABILITY / BIODIVERSITY (Local Plan policies BE4 and NE3)

- 8.1 An Energy Statement has been submitted with the application which identifies and appraises options for reducing carbon emissions. The report concludes that the project will utilise the district heating network and that photovoltaic panels will be installed on the roof. The use of the district heating system alone would result in a 44.5% carbon reduction. Subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord with Policy BE4.
- 8.2 As requested by the Biodiversity and Greenspace Officer a further bat survey of the existing building is to be undertaken. An update will be reported to the Committee.
- 8.3 The comments of the Tree Officer with regard to the trees to be retained on the frontage to London Road have been considered. It has, however, not proved practical to provide additional space for the trees as this would impact upon the operational yard area and storage facilities. Whilst more space for the trees would have been desirable, it is not critical to their future well-being and it is considered that their retention remains valuable as they will still make a positive contribution to the London Road frontage.

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 – by providing an improved service to citizens through the provision of a modern fire station. Also constitutes high quality development in

a regeneration zone.

Working Nottingham - by securing employment opportunities during the construction phase.

14 CRIME AND DISORDER ACT IMPLICATIONS

Improved surveillance and community safety.

15 VALUE FOR MONEY

None.

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

1. Application No: 14/01297/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N6E1LFLYCB000>

Email dated 02.07.2014 from the Nottingham Civic Society

Letter dated 11.07.2014 from occupier of Gresham Works

Email dated 17.07.2014 from the Tree Officer

Highway observations dated 16.07.2014

Email dated 07.07.2014 from Noise and Pollution Control

Email dated 30.06.2014 from Biodiversity and Greenspace Officer

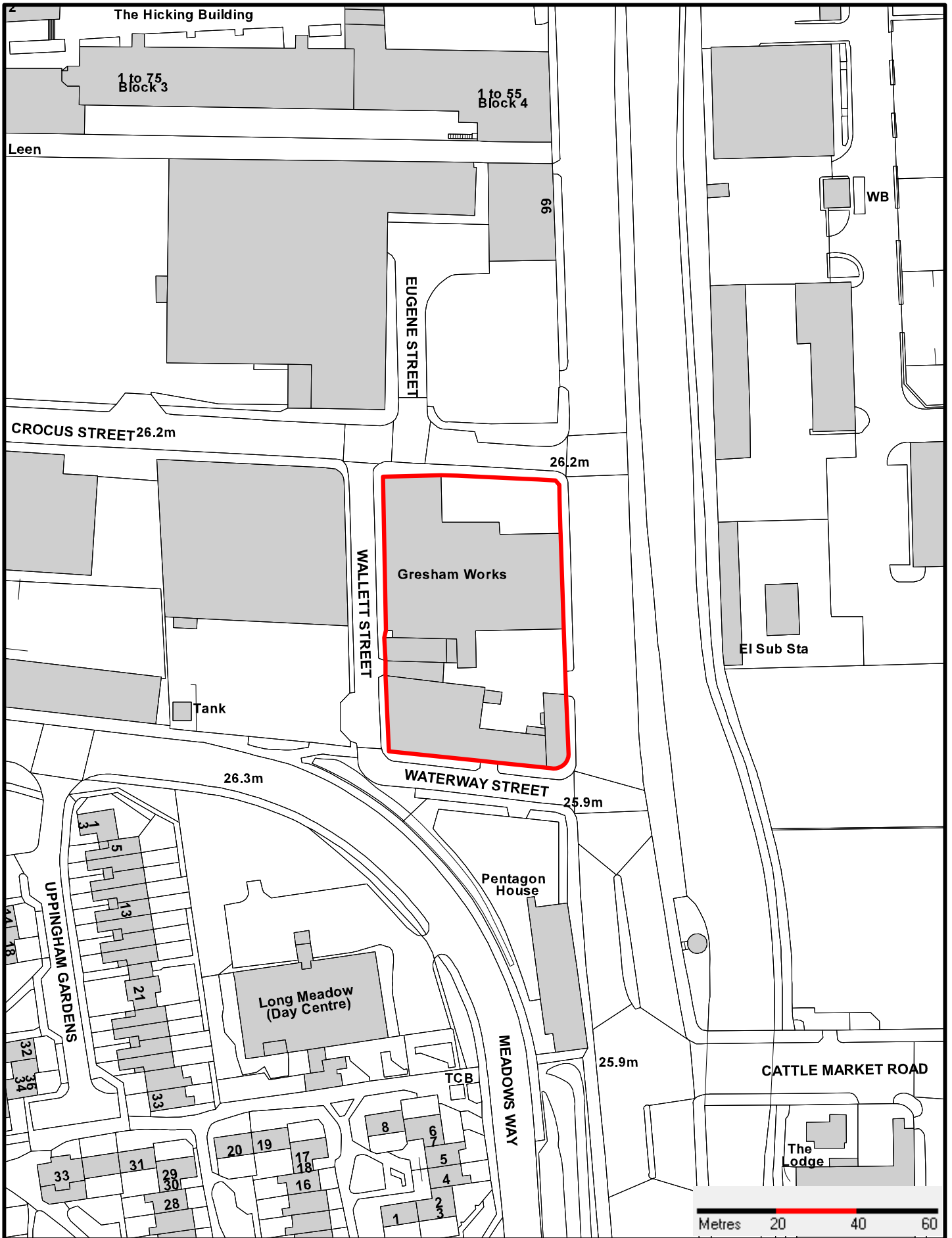
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Janet Keble, Case Officer, Development Management.

Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056



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My Ref: 14/01297/PFUL3 (PP-03378278)
Your Ref:
Contact: Mrs Janet Keble
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

CPMG Architects Ltd
FAO: Mr Aiden Bell
23 Warser Gate
Nottingham
NG1 1NU

Date of decision:

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

Application No: 14/01297/PFUL3 (PP-03378278)
Application by: Nottinghamshire Fire And Rescue Service
Location: Gresham Works, London Road, Nottingham
Proposal: New fire station and associated works following demolition of existing buildings.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for the development and shall provide for:

- (i) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
- (ii) The parking of vehicles of site operatives and visitors;
- (ii) Loading and unloading of plant and materials;
- (iv) Storage of plant and materials used in constructing the development;
- (v) Wheel washing facilities, if necessary;
- (vi) Measures to control the emission of dust and dirt during construction;
- (vii) Site security;
- (viii) Measures to prevent the deposit of debris on the highway and;
- (ix) A timetable for its implementation

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

3. The development shall not be commenced until a surface water drainage scheme, including a timetable for its implementation and based on SUDS principles, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details and timetable.

Reason: In the interests of sustainable drainage and in accordance with the aims of Policy NE10 of the Local Plan.

4. The development shall not be commenced until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, which has regard to the Phase 1 Desk Study by Curtains dated December 2013 (ref EB12221/AW/3424), has been submitted to and be approved in writing by the Local Planning Authority:

- a) A Site Investigation, based on the Desk Study above, and a detailed assessment of the risk to all receptors that may be affected, including those off site;
- b) A Remediation Strategy, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation);
- c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy NE12 of the Local Plan.

5. The development shall not be commenced until the following components of a scheme to deal with the risks to groundwater associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- (i) all previous uses;
- (ii) potential contaminants associated with those uses;
- (iii) a conceptual model of the site indicating sources, pathways and receptors;
- (iv) potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

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

6. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Curtins Ref: 55911, Rev A, 23/05/2014) and the following mitigation measures detailed within the FRA:

- 1. The discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm should be limited to 20% less than the pre-development run-off rate.
- 2. Finished floor levels should be set no lower than 150mm above the surrounding ground levels.
- 3. External levels should be arranged so as to divert any overland flooding away from building thresholds.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future users in accordance with Policy NE10 of the Local Plan.

7. The development shall not be commenced until an environmental noise assessment and sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not to exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

Reason: To ensure that the amenity of nearby occupiers is protected in accordance with Policy NE9 of the Local Plan.

8. The development shall not be commenced until all site access details and all off-site highway works have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall relate to the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II Safety Audit. These are to be submitted for all the vehicular access/egress points.

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

9. No above ground development shall be commenced until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the development in accordance with Policy BE3 of the Local Plan.

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

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

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

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

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

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

12. No above ground development shall be commenced until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority.

The external lighting scheme shall only be operated in accordance with the approved scheme.

Reason: In the interests of community safety and to safeguard the amenities of adjoining occupiers in accordance with Policy BE3 of the Local Plan.

13. The development shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

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

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

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

15. No development shall be commenced until a scheme to achieve a 10% reduction in carbon emissions over and above the Building Regulations Approved Document L2A Conservation of Fuel and Power 2013 has been submitted to and approved in writing by the Local Planning Authority.

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

Pre-occupation conditions

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

16. The development shall not be brought into use until the details of the control of the egress of fire tender vehicles from the site have been submitted to and approved in writing by the Local Planning Authority. These details will include alterations to signals, a yellow box provision on London Road and associated traffic control technology.

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

17. No part of the development shall be brought into use until the highway works approved under Condition 8 have been completed.

Reason: To ensure that the development will provide satisfactory highway/transportation arrangements in accordance with Policy BE2 of the Local Plan

18. The development shall not be brought into use until the parking areas are surfaced and marked out in accordance with the approved drawings and shall be retained and not used for any other purpose. The parking areas to be surfaced shall be of a permeable material.

Reason: To ensure that the layout of the development is satisfactory in accordance with Policy BE2 and T3 of the Local Plan.

19. The development shall not be brought into use until cycle and two wheeler parking has been provided in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The areas to be provided for these shall be well lit, secure and covered. Thereafter the area identified for parking cycles and two wheelers shall not be used for any purpose other than the parking of cycles.

Reason: To ensure that the layout of the development is satisfactory and to promote a sustainable element of travel in accordance with Policy BE2 and T3 of the Local Plan.

20. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Local Plan.

21. The development shall not be brought into use until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure of the protection of controlled waters in accordance with Policy NE9 of the Local Plan.

22. The development shall not be occupied until written verification has been submitted to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented.

Reason: To ensure that the amenity of nearby occupiers is protected in accordance with Policy NE9 of the Local Plan.

23. The development shall not be occupied until a detailed Noise Management Plan has been submitted to and approved writing by the Local Planning Authority.

The Noise Management Plan shall identify the types and locations of operational and other activities which are likely to cause noise disturbance to sensitive receptors and:

- Minimise noise arising from operational and other activities by technical and physical means, and through management best practice;
- Identify the person responsible for recording, investigating and dealing with complaints from any residents;
- Regularly review the Noise Management Plan.

Reason: To ensure that the amenity of nearby occupiers is protected in accordance with Policy NE9 of the Local Plan.

24. The development shall not be brought into use until the site has been enclosed 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.

25. The development shall not be occupied until details of a landscaping and planting scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of shrubs, the type, height, species and location of any proposed trees, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme.

Thereafter the landscaping scheme shall be carried out in accordance with the approved details and timetable. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from planting shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of ensuring the finished quality of the approved development, the visual amenity of neighbouring properties, and the wider area in accordance with Policies BE3 of the Local Plan.

26. The development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority . The travel plan shall include elements of a car parking management plan.

Reason: To ensure adequate access arrangements for all users of the development, and to encourage maximum use of the development by means of transport other than the car, to comply with Policies BE2, BE3, BE4 and T2 of the Nottingham Local Plan.

27. The development shall not be brought into use until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the aims of Policy BE2 of the Local Plan.

28. The sustainable measures approved under Condition 15 shall be implemented and operational

before the development is first brought into use.

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

Regulatory/ongoing conditions

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

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

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

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

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 6 June 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 proposal involves works on the public highway on land outside your control. You are therefore required to submit technical details for approval under a Section 278 process to the Highway Authority before development commences. For further information regarding this process including technical approval please contact Liz Hiskens 0115 876 5293.

4. The highway works and traffic control technology required at the site is imperative to fire service operations and allowing fire tender access onto a main network route for the city. The works will be

financially borne by the applicant. For further information please contact Liz Hiskens 0115 876 5293.

5. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it from occurring.

6. The proposal includes works adjacent to the highway and the Highways Network Management Team at Loxley House should be notified regarding when the works will be carried out as disturbance to the highway will occur. Please contact them on 0115 876 5238 at the earliest convenience.

7. The application proposals will require a safety audit. The request for this will need to be sent to Road Safety before any works are undertaken. The audit will cost about £300+VAT. To progress this please contact Scott Talbot 0115 8765225.

8. The applicant has submitted information based on crashmap which is not acceptable. The applicant is to contact Scott Talbot 0115 8765225. Safety studies should always use the latest available data which is available from Nottingham City Council (£215+VAT).

9. Contaminated Land, Ground Gas & Groundwater

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

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site. Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or

higher. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to

ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures.

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

10. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps). The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

11. Construction & Demolition

Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Pollution Control Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below;

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)

Saturday: 0830-1700 (noisy operations restricted to 0900-1300)

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Nottingham City Council's Pollution

Control Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

Equipment

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

Dust/Grit and Other Fugitive Emissions

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

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

Appropriate measures include:-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste



Wheel washing.
Periodic road cleaning.

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: 14/01297/PFUL3 (PP-03378278)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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WARDS AFFECTED: Bulwell Forest

Item No:

**PLANNING COMMITTEE
20th August 2014**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site Of 1, Bestwood Park Drive West

1 SUMMARY

Application No: 14/00790/PFUL3 for planning permission

Application by: Reynolds Associates on behalf of NCHA & George LB

Proposal: 29 new dwellings and associated works.

The application is brought to Committee because it is for a major development and the application has generated significant public interest contrary to the officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 1st July 2014. An extension of time has been agreed with the applicant.

2 RECOMMENDATIONS

- 2.1 Grant permission subject to the indicative conditions listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of the conditions to be delegated to the Head of Development Management and Regeneration.

3 BACKGROUND

- 3.1 The application site is now cleared and was formerly the site of a Kwiksave supermarket and its car park. The former car park exits onto Brownlow Drive, and to its immediate south are the parking and servicing areas of the remaining Rise Park shops. To the north of the site are bungalows on Revelstoke Way. To the northwest are a church and a surgery and to the southwest is public open space, a community centre and a day nursery.

4 DETAILS OF THE PROPOSAL

- 4.1 29 new dwellings and associated works. The application is made by a housing association. The proposal comprises 11 two bed houses, 3 three bed houses, 2 one bed bungalows, 2 two bed bungalows, 9 one bed flats and 2 two bed flats. Seven of the flats would be part of an assisted living scheme run by the applicants. Vehicle access to the site would be from Brownlow Drive as existing with pedestrian access from the south, where an existing footpath forms a right of way across the site and is currently being realigned. The houses and bungalows would be positioned along the north and northwest side of the new access road with the flats

being located in three blocks in the western part of the site.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Thirty-five letters of notification have been sent to neighbouring residents. Letters have been sent to:

92 - 100 evens, The Church On Rise Park, The Surgery, Church House 90A, Revelstoke Way; 245 - 257 odds Brownlow Drive; 112, 141 Dunvegan Drive; 3 - 19 odds, Flat above 19, Rise Park Community Centre, Bestwood Park Drive West; Flats 1 - 4 Bestwood Court; 14, 16,17 Barrhead Close.

The application has also been advertised by site notices and a press advert.

A further consultation has been carried out by Ward Councillors and a second round of letters sent out following the receipt of revised plans including design changes.

One hundred and ten responses have been received (at 31 July 2014 - any further responses will be reported as an update). Approximately three-quarters are objections, the remainder split between support and neutral comments. In addition, a petition has been received objecting to the proposal, containing 430 signatures.

The vast majority of objections are to the type of housing being proposed. Objectors note that they live in private housing and do not want social, affordable or rented housing to be mixed with private housing. There are many comments on the type of person who would live in the new houses and flats and the consequent crime and anti-social behaviour.

Other objections are increased traffic and overlooking of existing properties.

Additional consultation letters sent to:

Heritage and Urban Design: This is a difficult site, in terms of its location, surrounding uses and (some) tenant needs and requirements. The difficulty of creating a reasonable street scene is exacerbated by the restriction of development to one side of the road only. In order to help create a more interesting street as well as a safe street it is essential therefore, to introduce street trees. The proposed houses address the street with boundary fences and gated off street parking. Bungalows have been positioned in a group, off the main allowing the (taller) houses to give a rhythm and some enclosure to the primary route through the site. The gated enclave is unfortunate but necessary and the flats have been positioned to prevent overlooking of the nearby nursery. The elevations are well proportioned with a good size window reveals conditioned. Despite the difficulties of the site, the Building for Life score is 11 out of 12, falling down on the type of character of place being created, which is restricted through the difficult site constraints, mentioned above.

Pollution Control: No objection.

Highways: No objection subject to conditions regarding sustainable urban drainage and a construction management plan.

Police Architectural Liaison Officer: The current derelict site attracts antisocial behaviour , litter and damage. Application therefore supported. Considers that the design and layout is acceptable. Notes that the area suffers from small amounts of crime and anti-social behaviour, being close to a small shopping centre and bus terminus. Supports the developer's aspiration to build to 'Secure by Design' standards.

6 RELEVANT POLICIES AND GUIDANCE

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, the 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 taken 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 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.5 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Nottingham Local Plan (November 2005):

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

ST1 - Sustainable Communities.

H2 - Density.

H3 - Appropriate Housing Types.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Layout and Design
- (iii) Impact on Neighbours

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

- 7.1 The application site has previously been developed and is allocated as part of the Local Shopping Centre in the Local Plan. The site formerly contained a supermarket but has been vacant for a number of years. The centre appears to be flourishing and it is unlikely that the application site would be redeveloped for retail uses. Residential redevelopment use is not considered to be detrimental to the vitality and viability of the shopping centre. It is considered that residential development is appropriate in this location.
- 7.2 There is a mix of housing size and type proposed. The proposal is for 11 two bed houses, 3 three bed houses, 2 one bed bungalows, 2 two bed bungalows, 9 one bed flats and 2 two bed flats. As well as family housing, this mix provides accommodation suitable for elderly or for those with disabilities and for small families or single persons in the form of bungalows and flats. The proposal reflects the mix of housing already on offer in this area, where there are family sized dwellings (Brownlow Drive), bungalows (Revelstoke Way) and flats (Bestwood Park Drive).
- 7.3 The Housing Nottingham Plan (2013) states that "In determining the best development route for sites it is important to ensure that there is an appropriate mix and balance of housing in Nottingham in terms of both tenure and type of housing. While some of Nottingham's neighbourhoods have very little affordable housing others are characterised by high concentrations of social/affordable rented properties, largely due to their historic origins as social housing estates. Partners seek to promote a diversity of tenure where possible to provide a sustainable mix of tenures to meet the housing need of Nottingham citizens and enable cohesive communities".
- 7.4 In providing a mix of housing types on the site and a mix of tenure in the area, the proposal is considered to accord with the Housing Nottingham Plan, the Council Plan and Policies ST1 and H3.
- 7.5 The density of development is acceptable and compatible with the surrounding area. The layout has been arranged such that the living conditions of the future occupiers are safeguarded. The site is within easy access of public transport and, within the wider area, to local services such as health, leisure, education, shopping and employment. The proposal accords with Policies ST1 and H2.

Issue (ii) Layout and Design (Policies BE2 and BE3)

- 7.6 The layout is constrained by the length and narrowness of the site, which leads to the presence of a relatively long stretch of road with house on one side. A further constraint is the substation in the northwest corner of the site, to which access needs to be retained. The dwellings have been arranged to the north and northwest of the new access road, with a shared surface on the final part of the road and a number of the flats arranged around a courtyard/parking area. All of the houses and bungalows would have in curtilage parking. Bin storage for the houses and bungalows would be to the rear of the properties and appropriate bin storage is provided for the flats. Front boundaries are generally defined by railings where possible.
- 7.7 The layout of the houses and bungalows has been revised to better address the new road; the bungalows are located at the end of the run of houses on the northern boundary with houses only facing the road as it turns southwest. The provision of street trees in build-outs, which would benefit the character of the street and calm traffic, has been negotiated and the applicant has agreed that this can be ensured by condition. It is anticipated that a minimum of five street trees can be achieved here.
- 7.8 The new dwellings are to be built of traditional materials i.e. brick and tile. They would also have features such as artificial stone sills and string courses, and weatherboarding, a detail prevalent in the area, to introduce character into the design of the development. The scale and massing of the development is in keeping with the character of the wider area where there is a mix of single and two storey dwellings. Deep window reveals are to be secured through condition.
- 7.9 Each dwelling, apart from the flats, would have a private rear garden. Access from the site would be generally level or gently sloping, with bus stops being located in the shopping centre, within easy reach. There are good pedestrian links to the wider area. The pedestrian route through the site connecting the shops with the houses to the west is being maintained along the site's southern boundary.
- 7.10 The proposed development responds well to the constraints of the site and to the character of the immediate area and as a result is considered to comply with Policies BE2 and BE3.

Issue (iii) Impact on Neighbours (Policy BE3)

- 7.11 The new houses along the northern boundary would be approximately 21m from the rear of the existing bungalows on Revelstoke Way, with the site being approximately 1m lower. The bungalow at the western end of the site would be 17m from its existing neighbour. At the western end of the site the closest part of the assisted living flats is approximately 14m from the nearest house on Barrhead Close. This is a single storey section of the building. The corner of the closest two storey section is 17m away and angled so that no material loss of privacy would occur. These distances are considered to be acceptable given the relationship between these properties and would be sufficient to safeguard the amenities of the occupiers of the existing and proposed properties. The proposal is considered to comply with Policy BE3.
- 7.12 Concerns have been raised regarding noise and anti-social behaviour generated by the occupants of the proposed development. It is considered that the design and layout of the proposed development would not encourage crime or antisocial

behaviour, and it is noted that the Police Architectural Liaison Officer considers that the redevelopment would help resolve existing problems arising from the currently derelict site. The council cannot make assumptions about the conduct of future residents based upon the proposed tenure of the dwellings.

Other Matters

Section 106 Considerations

- 7.13 Employment and training opportunities are a requirement of Homes and Communities funding for the proposal. This would be an appropriate method of securing employment and training opportunities for local people.
- 7.14 Whilst a financial contribution for off-site open space would normally be required through a S106 Agreement, the applicant has submitted a viability statement to demonstrate that the scheme would not be viable if these contributions were required. This statement has been assessed and accepted. Affordable housing is provided by the development.

Parking (Policies BE2 and T3)

- 7.15 The development would provide approximately 100% parking which is considered to be an acceptable amount for the requirements of the development.

Sustainable Development

- 7.16 The use of sustainable urban drainage and the provision of at least 10% of the development's energy requirements from renewable sources can be ensured by condition.

8. SUSTAINABILITY / BIODIVERSITY

None.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: would provide high quality and sustainable residential development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction of the development.

Safer Nottingham: 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: 14/00790/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N3CT1ULY0H700>

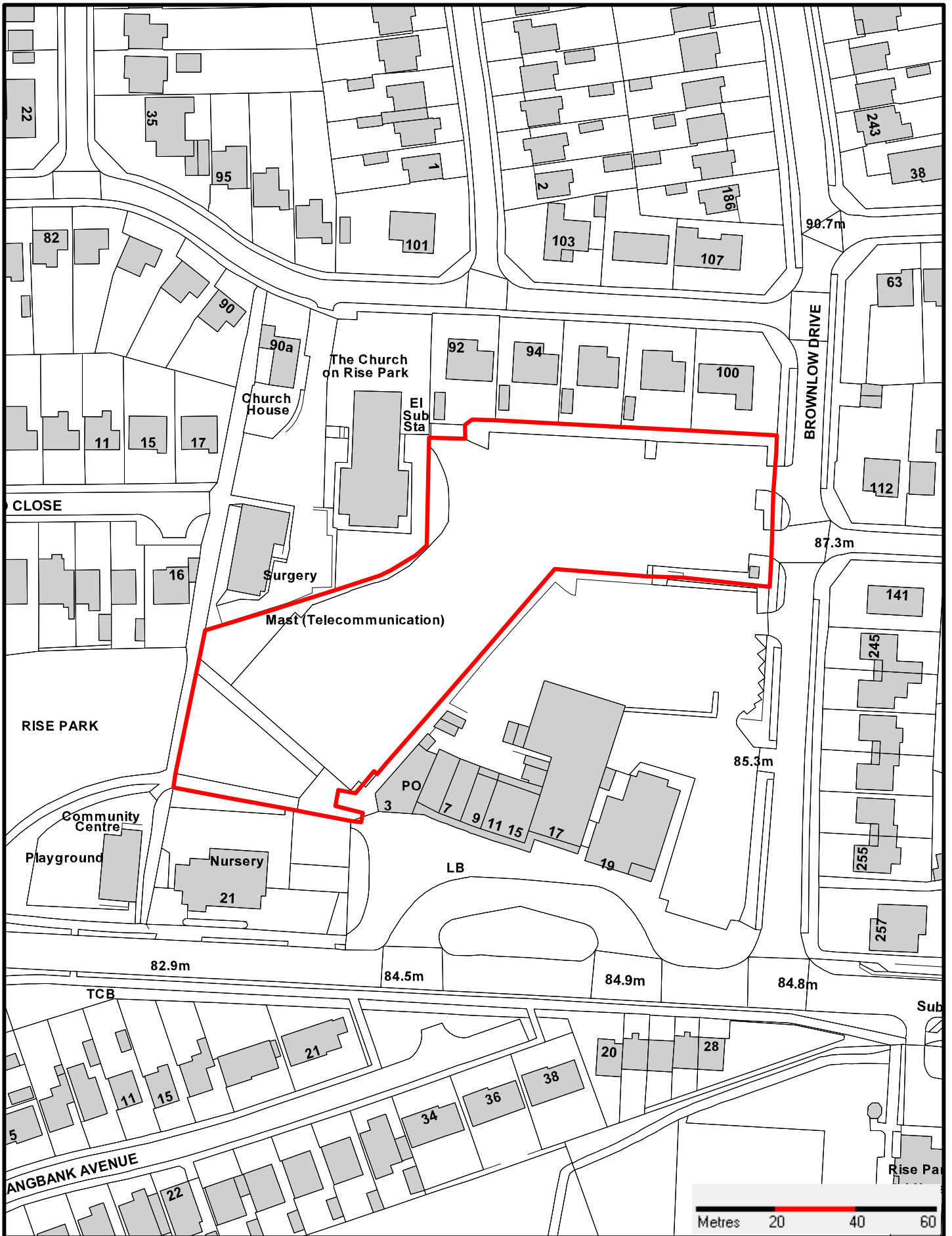
17 Published documents referred to in compiling this report

National Planning Policy Framework
Nottingham Local Plan (November 2005)
The Housing Nottingham Plan (2013)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076



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My Ref: 14/00790/PFUL3

Your Ref:

Contact: Mr Phil Shaw

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Reynolds Associates
FAO: Mr K Reynolds
P.O Box 7988
Arnold
Nottingham
NG5 5ZU

Date of decision:

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

Application No: 14/00790/PFUL3
Application by: NCHA & George LB
Location: Site Of 1, Bestwood Park Drive West, Nottingham
Proposal: 29 new dwellings and associated works (revised proposals).

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

Time limit

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

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

Pre-commencement conditions

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

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

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

3. Notwithstanding the details shown on the approved plan, the development shall not be commenced until details of all boundary enclosures, including front garden enclosure and gates, have been submitted to and approved in writing by the Local Planning Authority.

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



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Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

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Continued...

4. Notwithstanding any details shown on the submitted plans, the windows of the buildings shall have reveals of not less than 70mm.

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

5. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, and a management and maintenance plan for these areas have been submitted to and approved in writing by the Local Planning Authority. The scheme should include native species.

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

6. The development hereby permitted shall not be begun until details of plans for the disposal of surface water, incorporating sustainable drainage systems, and foul sewage have been submitted to and approved in writing by the Local Planning Authority. Surface water run-off from the site should be restricted to 5l/s/ha.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem to comply with Policies BE4 and NE10 of the Nottingham Local Plan.

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

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

8. Notwithstanding any details shown on the submitted plans, the development shall not be commenced until revised plans of the proposed access road incorporating improvements to the overall streetscape and pedestrian environment have been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of highway safety in accordance with Policies BE2 and BE3 of the Local Plan.

9. The development shall not be commenced until a Remediation Strategy that includes the following components to deal with the risks associated with ground and groundwater contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground and groundwater contamination at the site.

b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) A Remediation Strategy, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete. The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

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

Pre-occupation conditions

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

10. No dwelling shall be occupied until the boundary enclosures associated with that plot have been erected in accordance with the details approved by the Local Planning Authority.

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

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

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem to comply with Policies BE4 and NE10 of the Nottingham Local Plan.

12. No dwelling shall be occupied until the car parking, turning and servicing areas associated with that plot have been completed.

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

13. No dwelling shall be occupied until the following has been submitted to and be approved in writing by the Local Planning Authority:

A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

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

Regulatory/ongoing conditions

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

14. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become



seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 1 April 2014.

Reason: To determine the scope of this permission.

Informatives

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

2. The 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.

3. Contaminated Land, Ground Gas & Groundwater
The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

4. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

To carry out the off-site works (add basic description and location) associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

5. Developers wishing to have the completed roads on their development maintained by Nottingham City Council as Local Highway Authority may, prior to the start of the development; enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. Completion of a Section 38 Agreement is not mandatory but Nottingham City Council does operate the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980)) whereby, following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage of that dwelling. The process (which is mandatory) can tie-up a considerable amount of developers' capital and accordingly, the completion of a Section 38 Agreement is the approach preferred by the majority of developers. The existence of a Section 38 Agreement and Bond is revealed on Local Land Charges Searches and prospective purchasers should be aware that in the absence of a Section 38 Agreement and Bond, they may be at risk of payment of Road Charges in the event that the road abutting the property is not completed. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management on 0115 876 5293 in the first instance.

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

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

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

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

7. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail address.management@nottinghamcity.gov.uk; telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

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: 14/00790/PFUL3

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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WARDS AFFECTED: Radford And Park

Item No:

**PLANNING COMMITTEE
20th August 2014**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Rocky Mount, Barrack Lane

1 SUMMARY

Application No: 14/01401/PFUL3 for planning permission

Application by: Signet Planning Ltd on behalf of Walker & Sons (Hauliers) Ltd

Proposal: Redevelopment to provide 16 residential apartments following demolition.

The application is brought to Committee because this is 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 19th September 2014

2 RECOMMENDATIONS

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

- a) prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A financial contribution for off-site provision or improvement of open space or public realm.
- b) the indicative conditions listed in the draft decision notice at the end of this report.

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

2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 BACKGROUND

SITE

- 3.1 Situated on the west side of Barrack Lane on the north-western edge of the Park Conservation Area, the application site comprises Rocky Mount, a 3-storey late Victorian / Edwardian property and its former garden, from which it has been

separated in the past. The site slopes steeply down from its Barrack Lane frontage to Derby Road. The house occupies an elevated position, it being 4 metres above the main road level. The site frontage to Derby Road is enclosed by a substantial Bulwell stone wall, 3 to 4 metres high. Rocky Mount itself abuts Nos.171-173 Derby Road, a terrace of shops with 4 storeys of accommodation above. Rocky Mount has been vacant for approximately 12 years and was last occupied as flats. There have been problems of fly tipping and squatting at the site.

- 3.2 The application site also includes the adjacent long narrow plot of open land, a disused garden, originally part of the garden serving Rocky Mount. The former garden descends steeply to Derby Road, which is almost 2 storeys lower than the Barrack Lane frontage. This frontage was formerly occupied by some garages, which have been demolished, leaving the concrete bases.
- 3.3 There is a block of 3 garages fronting onto Derby Road at the west end of the site which are currently unused and vandalised.
- 3.4 Abutting the site to the north are the blank end walls of the adjacent shops and flats fronting Derby Road with their outbuildings. To the south of the site is No 4 Barrack Lane, a smaller scale detached, two-storey property subdivided into two flats with hard standing area fronting Barrack Lane for off street parking.
- 3.5 There are two mature street trees on Derby Road outside the application site. There is a limited amount of on street parking serving the shops, with a bus lane starting beyond that along this stretch of Derby Road and a pedestrian crossing close to the junction of Harlaxton Drive with Derby Road.
- 3.6 The character of this part of the Park Conservation Area is predominantly residential with a mix of house styles and ages and some higher density commercial properties . There is a strong feeling of containment behind high stone walls along both the east side of Barrack Lane (the old Park Estate boundary) and the Derby Road frontage. The west side of Barrack Lane is characterised by dwellings whose principal elevations face west over the rear gardens, whilst garages and subsidiary wings of the buildings project towards the street. The range of buildings containing the shops are older than the others on the west side of Barrack Lane, have a more complex form and are higher.

RELEVANT PLANNING HISTORY

- 4.1 Planning permission reference 03/02241/PFUL3 was granted in October 2004 for the erection of new residential development comprising 16 apartments with undercroft car parking accessed from Derby Road, following the demolition of Rocky Mount and the three redundant garages. The permission expired in October 2009.
- 4.2 Conservation Area Consent Reference: 06/01789/LCAC1 was granted in November 2009 for the demolition of Rocky Mount to facilitate redevelopment. The consent expired in November 2009.
- 4.3 Planning permission and conservation area consent references: 09/03009//PFUL3 & 09/03010/LCAC1 proposed the renewal of planning permission references 03/02241/PFUL3 & 06/01789/LCAC1, for 16 apartments with undercroft car parking, following the demolition of Rocky Mount and the three redundant garages. Both renewal applications were refused in January 2010 as at the time it was

considered there had been a change in planning circumstances to warrant the decision. This was on the grounds that the proposal would result in the loss of an original estate house of historical and architectural interest, which makes a positive contribution to the character and appearance of the Park Conservation Area, and the schemes footprint, form, mass, scale and density would fail to preserve or enhance the character and appearance of the Park Conservation Area.

- 4.4 Both planning decisions references: 09/03009//PFUL3 & 09/03010/LCAC1 were appealed and subsequently dismissed. However, the dismissals were not related to the principle of the development or its layout or design but instead were because no S106 agreement securing off site open space contribution had been provided by the developer. In reaching his decision, the Inspector concluded that Rocky Mount did not make a positive contribution to the conservation area and supported its demolition. He also concluded that the proposed building was acceptable and would preserve and enhance the character and appearance of the Park Conservation Area. The Inspector found no change in the circumstances to those that existed at the time of the original grant of planning permission in 2004, when the Council had considered that the proposal was acceptable. Full costs arising from the appeal were awarded to the appellants. The appeal decision which was made in 2011 is therefore a material planning consideration which should be afforded appropriate weight in the consideration of the current proposal.
- 4.5 Planning application and conservation area consent references 13/01787/PFUL3 and 13/01788/LCAC1 proposed 16 apartments following demolition of Rocky Mount. This scheme varied in scale and design to the previous appeal scheme. Both applications were withdrawn in October 2013 following concerns over the design.

DETAILS OF THE PROPOSAL

Two applications have been submitted:

- 4.6 Planning reference: 14/01402/PFUL3 is for conservation area consent and proposes the demolition of Rocky Mount and the three redundant garages. Planning reference: 14/01401/PFUL3 is for permission, following the demolition, to redevelop the site providing 16 apartments with undercroft car parking accessed from Derby Road.
- 4.7 The proposal is very similar to the previous scheme tested on appeal in 2011. There would be 15 x two bedroom units and 1 x three bedroom duplex unit. The 16 apartments would be split over 7 levels (level – 3 to level +3). The average flat sizes are 91m².
- 4.8 The proposed development represents a complex form comprising three linked elements. It also proposes a significant amount of excavation.
- 4.9 'The Gateway Block' fronts Derby Road and extends up behind the existing stone retaining wall to above the height of the Bancroft building by approx 2 metres. This part of the scheme includes a stone gabled roof, above 6/7 levels of accommodation. The building facade returns into the site incorporating a bay window which projects at high level overlooking the main road. The wall kicks back into the site and returns, dropping in height to meet the block adjacent to 4 Barrack Lane which is set at a lower level enclosing the front courtyard. At the west end of the Derby Road elevation the '4 Barrack Lane block' turns in perpendicular to the

street front in the form of two brickwork stepped gables which are 3 - 4 storeys in height. The stepping down in height from the Bancroft end of the development to the 4 Barrack Lane end reflects the reducing of adjacent buildings and the 'edge' nature of the site.

- 4.10 The proposal includes extending the stonewall to the south west of the site along Derby Road to cover the gap left by the demolished garages. The scheme proposes the introduction of a stone pergola above the existing stonewall to enclose the courtyard area behind.
- 4.11 The part of the development fronting Barrack Lane is smaller in scale and comprises 1.5 storeys in height, projecting towards the back edge of footway. There are pedestrian entrances to the development from Barrack Lane. There is another smaller hard surfaced courtyard area behind the block facing Barrack Lane.
- 4.12 Whilst the overall design is very similar to the previous scheme tested on appeal in 2011, a number of changes have been made to less successful elements of the previously approved scheme. The changes are designed to make the scheme more efficient and cost effective in its internal layout, and issues such as liveability have been improved:
- The undercroft parking area accessed off Derby Road has increased in size from 515m² to 595m² by cutting further into the site and the reduction to one circulation core. The manoeuvring space of vehicles has also been improved and there is larger space for cycle storage and plant area. There is now a combined single in/out arrangement rather than two separate access / egress points. The vehicular access is set back by 5m from the edge of pavement to the roller shutter gate.
 - A single lift within the building is now proposed and it has been relocated from its previous location adjacent to the Bancroft building in line with the north courtyard wall. The lift is also slightly deeper and taller than previously.
 - The layout has been amended so that only one flat per level overlooks the smaller courtyard behind the Barrack Lane block, rather than two previously, thus privacy is enhanced.
 - In terms of the Barrack Lane elevation, at level 0 the northern gable to the single storey element is splayed parallel with the northern boundary. This has resulted from flat 12 requiring its own access. There is also an additional gable introduced to the Barrack Lane elevation.

The building has largely 'traditional' appearance and form and comprises a complex mix of pitched roofs and gables. The proposed materials to be used in the construction of the building are red brick, slate roofs, Bulwell stone and hardwood timber windows.

- 4.13 The developer is offering local employment and training opportunities during the construction phase of the development. The mechanisms for providing these benefits will be by way of a S106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted: 1, 3, First floor flat 4, 4, 5, 6, Ground Floor Flat 6 , First Floor Flat 6 , 8, 8a, 10-22, Flats 1- 4 20, 22a, 26 Barrack Lane
Flat 7 Cavendish Place Cavendish Crescent South
11 Yeoman's Court Clumber Rd West
Flats 1-6 Maitland House, Flats 1-5 Bancroft, Bankcroft, Maisonette 159, 159 – 171

Living Accommodation Over 161, 173, Flat Over 173, 226, Flats 1-3 226, 228, 230-234 Flat 1 236, Flats 1-4 236, 236 Derby Road
Oxford House Oxford Street
8 – 16, 13b, 17, 17a Pelham Crescent
Littlewood & Company 7 Russell Place
11b, 12 western Terrace

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

16 letters have been received raising the following objections:

- Rocky Mount, within its original garden, is identified as an Original Estate House, which contributes positively to the character and appearance of the Conservation Area. This type of site and density is typical of the conservation area and reflects the plots in the Park whereas the demolition and redevelopment of the Rocky Mount site would have a harmful effect on the character of the area.
- The proposal would be contrary to the Park Management Plan (2007), which states there is a presumption in favour of retaining the original Park houses, original gardens and boundary walls.
- The proposed scale, mass, density, footprint, design and affect of setting on adjoining properties of the development will be harmful to the character and appearance of the conservation area.
It overwhelms the plot and is totally out of keeping with the character of the area.
- If demolition is allowed a replacement building should be the same size and same position as the existing, allowing the aspect of the lane to open up between those few properties forming an arc to the building line.
- The building owners should not be allowed to let the building continue to deteriorate with the view that they will be allowed to demolish it as it is becoming more dilapidated.
- To resubmit the same scheme which has been refused for numerous reasons previously is questionable.
- The previous reasons for refusal should be imposed.
- The proposal would destroy the green outlook of Rocky Mount's grounds and threaten natural wildlife that populates its garden area.
- The property could be restored as a family dwelling for which there is a demand.
- There is already a high proportion of student accommodation along Barrack Lane which brings antisocial problems. There is a concern that the proposed scheme could be occupied by a further 32 Students which will exacerbate existing problems and does not create a sustainable balanced community.
- Extensive excavations and associated groundwork will be required. The associated digging and vibrations may cause damage to the surrounding sandstone and neighbouring properties, their structure and decorations.
- The demolition will cause disruption, dust and noise pollution.
- Vehicular access and egress from Derby Road is unacceptable on highway safety grounds given the site is below the summit of the hill on the bus and cycle lanes, reducing visibility. It would be near to shops, a pedestrian crossing, bus stop and will increase the risk of accidents.
- It will exacerbate traffic, parking and access problems for residents and pedestrians of Barrack Lane and Pelham Crescent which are very narrow. Construction vehicles parked on Barrack Lane will cause an obstruction. Emergency vehicles cannot access various properties on Barrack Lane and this will be worsened.

- There is inadequate parking provision for the scheme. Residents of the development will try and park on Barrack Lane.
- Passing vehicles along Barrack Lane is already very difficult and pedestrians are often forced to walk on the road due to parked vehicles this will be exacerbated if allowed.
- Although the majority of the time there is a permit parking scheme in place, outside of these times there will not be enough parking for residents in the area.
- A shop owner on Derby Road is concerned that some of the existing parking spaces on Derby Road may be removed to provide safe access to the site for potentially a large number of cars .
- There is a concern for shop owners that overflow parking from the site would block parking spaces for potential customers given that there is already heavy use of any available parking on Barrack lane due to the HMOs in the area .
- Photographs showing empty parking bays on Derby Road are inaccurate. In term-time, these parking spaces are in near constant use, chiefly by visitors to the adjacent retail outlets. This is what these parking spaces were designed for, not primary residential parking.
- No consultation (by the developer) was made with any of the neighbours either on Barrack Lane or Pelham Crescent.

Additional consultation letters sent to:

Noise and Pollution Control: recommend conditions requiring a noise assessment, sound insulation scheme and complementary acoustic ventilation.

Highways: The number of car parking spaces is considered acceptable given the site's accessible and sustainable location. It is unclear how many cycle spaces will be made available in the basement. Any redundant dropped kerbs should be reinstated to full height kerb. The bellmouth arrangement is over engineered for the level of traffic which will be utilising the access in the future. Instead a dropped crossing arrangement is preferred and should be updated prior to determination. The existing street lighting column also needs to be included. The position of the access appears as far as west possible which maximises visibility for emerging vehicles, and the entrance is set back sufficiently from the back of the carriageway to avoid vehicles queuing to enter the car park. The view of Road Safety remains as the 2013 application; this location is considered no worse than other locations across the City. There is some concern over the size of parking spaces and it is recommended these be tracked. It is recommended that an advisory note be attached to the decision reminding the applicant that the property will not benefit from inclusion within the Barrack Lane Residents Parking Scheme.

Drainage: In the drainage statement the applicant is planning on using attenuation in the form of a hydrobrake. A number of queries have been raised with respect to how 30% betterment will be achieved which have been raised with the applicants.

English Heritage: Recommend that the application is determined in line with Planning (Listed Buildings and Conservation Areas) Act 1990 – section 72, and the NPPF. The LPA should be satisfied that there is clear and convincing justification for the proposal; that in weighing the degree of harm against the public benefit, this benefit is clearly demonstrated and can only be accommodated in this form, on this site. It is strongly recommended the LPA is satisfied that this development will create a high quality housing scheme reflected in the quality of detail, appropriate materials and finishes.

Neighbourhood Enforcement Officer, Environmental Health: The 3 bedroom apartment will fall under the Council's additional licensing scheme and there are certain amenity standards that are required to be met.

Biodiversity Officer: The updated bat report and badger report are both acceptable.

Nottinghamshire Wildlife Trust: Request that a protected species survey be carried out before a planning decision is made, as the possible presence of bats within the building being demolished should be a material planning consideration when deciding this application.

Heritage and Urban Design: The overall design, which is very similar to the previous 2004 scheme that has been approved by Committee and has been endorsed by an Inspector, is still considered to be appropriate to the local context. The success of the scheme will be dependant upon achieving high quality detailing, appropriate materials and finishes. Further assurances are therefore sought in this regard.

Tree Officer: The revised layout (from previous proposals) addresses concerns about the loss of an important street tree, which is now shown retained.

A pre commencement Arborecultural Method Statement focussing on that retained street tree, and a landscaping condition that provides for replacement of the second street tree on a 2:1 basis, is requested. That can be arranged through the Highway Agreement. There are plenty of planting opportunities along this section of Derby Road, which is characterised by London Plane.

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 Paragraphs 131 – 132 states that in determining planning applications, LPA's should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.6 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation in a proportionate way. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 6.7 Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.8 LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Nottingham Local Plan (November 2005):

BE2 – Layout and Community Safety

BE3 - Building Design.

BE4 - Sustainability in Design.

BE12 - Development in Conservation Areas.

BE13 - Demolition in Conservation Areas.

H2 - Density.

H3 - Appropriate Housing Types.

NE3 - Conservation of Species.

NE5 - Trees

R2 – Open Space in New Development

ST1 - Sustainable Communities.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (ACS) Publication Version (2012) with modifications (2014)

- 6.9 Paragraph 216 of Annex 1 of the NPPF states that from the day of publication, weight to relevant policies in emerging plans can be given according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the emerging plan policies to the NPPF. The Inspector's final report has now been issued, which concludes that the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies provide an appropriate basis for the planning of the plan area over the next 14 years and is sound. The Council will now consider the Inspector's recommendations with a view to formal adoption of the plan which is likely to be in September 2014. The following emerging policies are considered relevant:

Policy 8 – Housing Size, Mix and Choice

Policy 10 – Design and Enhancing Local Identity

Policy 11 – The Historic Environment

The Park Conservation Area Character Appraisal and Management Plan (August 2007) PCAA&MP

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) The demolition of Rocky Mount
- ii) Impact upon the character and appearance of The Park Conservation Area
- iii) Impact upon amenities
- iv) Highway safety and parking considerations
- v) Building Balanced Communities strategy
- vi) Biodiversity and Trees
- vii) Section 106 considerations

Issue (i) Demolition of Rocky Mount (Policy BE13)

- 7.1 Policy BE13 deals with the demolition of buildings in conservation areas and seeks to retain buildings that make a positive contribution to the special character of conservation areas, subject to the condition of the building, the cost of repair and maintaining it in relation to its importance, the value derived from its continued use and the merits of alternative proposals. This issue has been the subject of detailed assessment at the planning appeal which was decided in January 2011 and is a material planning consideration which should be afforded a substantial degree of weight.
- 7.2 At the planning appeal the Inspector concurred with reasons for the previous 2006 decision to demolish Rocky Mount (referred to in paragraph 4.2) and considered there had been no change in circumstances since the time of the original approval to warrant a refusal. He considered that Rocky Mount:
- has no distinctive or special architectural or historic interest of the kind typified by earlier buildings of the planned Park Estate.
 - It only appears on the 1902 OS Map and therefore does not appear to be one of the original estate houses even though it is identified as such within the PCAA&MP.
 - Whilst it has survived relatively unaltered, it is in a poor condition.

- It is not within the Park Estate boundary, has a poor relationship with adjoining buildings and the streetscene from both Barrack Lane and Derby Road and does not reflect the special interest that warranted designation of the Park as a conservation area.

7.3 The Inspector concluded that as the building does not make a positive contribution to the conservation area, there is no necessity for the three tests (as above) attached to Policy BE13 to be considered. It can therefore be concluded that the proposal for demolition would comply with Policy BE13 and would not conflict with primary guidance PCAA&MP.

Issue (ii) Character and Appearance of the Conservation Area (Policies BE3, BE12, ACS Policies 10 &11, NPPF and PCAA&MP)

7.4 The only material considerations that have arisen since the appeal decision in 2011 are the publication of the NPPF and advancement of the ACS to the point of adoption. However, it is felt that neither would justify a departure from the approach taken by the Inspector. Concerning the NPPF, the loss of this building, for the reasons set out above, would constitute less than substantial harm in terms of the significance of this heritage asset. This would be off set by the public benefit of developing a long term dilapidated and derelict site.

Policy BE12 seeks to ensure that new development preserves or enhances the character or appearance of conservation areas. This issue was assessed in detail during the appeal. The Inspector agreed with the Council's reasons for approving the 2004 scheme which is very similar to the current proposal.

Architecture

7.5 The Inspector considered that the 2004 scheme, exhibited a high quality of design that would complement the traditional Victorian architecture of the Park and was respectful of local context. Rocky Mount was considered by the Inspector to have an aesthetically poor relationship to the older adjacent Derby Road building with its western side garden creating an unbalanced gap in the townscape and a weak edge to the conservation area.

Scale and Mass

7.6 At the 2011 appeal the Inspector rejected the Council's concerns over the building's footprint, scale and density. It was highlighted that the character of this part of the conservation area did not reflect the general character identified in the PCAA&MP. In that context Derby Road has buildings of varied height sited at the back of footway and the entrance to Barrack Lane is narrow and confined with subsequent frontage buildings generally having small front gardens, often hard surfaced with built elements up to or close to the footway. It does not form part of the formally laid out Park estate. The 2004 and current scheme both involve a complex building of three main elements. Each element differs in height, scale and mass to reflect the varying context of the site. The design of the building has a vertical emphasis, a series of interesting and varied roof forms with gables and bays, all of which break up the building's mass and create visual interest.

7.7 In addressing the residents' concerns over the scale, although the Gateway block is the highest part of the scheme, it is only slightly taller (2m) than the Bancroft building on Derby Road and it is not considered to be over dominating. The

building then cascades down towards the south west of the site. The series of varying pitched roofs reflect the character and appearance of the area, which creates an interesting and varied roofscape. The Barrack Lane element is of a smaller scale compared to the rest of the scheme to reflect the surrounding context and topography of the site. The Inspector concluded that the height and form of the building would not contrast with adjacent buildings and the design would enhance the character of the area. Whilst guidance in PCAA&MP suggests that any increase in height compared to adjoining buildings should be resisted, the circumstances of each case must be assessed on their own merits against development plan policy guidance.

Footprint and Density

- 7.8 The Inspector agreed that development on the edge of the Park Conservation Area tends to be more intensive and given the perimeter site context, the proposal to develop over the majority of the site would aid the character of the area and the lack of a frontage garden to provide a setting would not prevent the integration of this building into this part of the conservation area. The rising levels of the scheme would reflect the general situation found in these properties along the steep slope between Barrack Lane and Derby Road, where built form predominates at varying levels. The Inspector did not consider that the proposed density of 16 apartments would be inappropriate for this particular area.

Materials

- 7.9 The scheme utilises high quality materials such as red brick, Bulwell stone hardwood timber windows and slate.

Changes to Current Scheme

- 7.10 One of the main changes to the current scheme in comparison to the previous appeal scheme is the single combined vehicular in/out arrangement onto Derby Road, rather than two separate openings. The reduction in the number of openings is an improvement to the street scene and the opening on Derby Road has been kept as narrow as practicable and carefully detailed by way of extending the Bulwell stone wall to replace the vandalised garages and incorporating stone lintels.
- 7.11 The scheme has been amended to include a single lift rather than two and this has resulted in the lift being relocated from its previous position adjacent to Bancroft on Barrack Lane. The lift now sits in line with the north courtyard wall further south along Barrack Lane. The lift is slightly deeper and taller than its previous counterpart but is still considered to an acceptable addition to the streetscene along Barrack Lane. It has also been designed as a feature tower element to add interest to this elevation.
- 7.12 In conclusion, the proposed building would therefore preserve and enhance the character and appearance of the Park Conservation Area and make a positive contribution to local character and distinctiveness. It would comply with Policies BE3, BE12 Nottingham Local Plan 2005, ACS policy 10, the NPPF and the PCAA&MP 2007.

Issue (iii) Impact upon Amenities (Policy BE3)

- 7.13 It is considered that there has not been a material change in planning

circumstances since the time of the original 2004 permission with respect to the impact of the development upon the amenities of neighbouring occupiers. This view was shared by the Inspector at the 2011 appeal and is considered below:

- 7.14 The properties to the north and south of the site namely Bancroft and No 4 Barrack Lane respectively are the closest to the proposed building. In terms of the impact of the development on the living conditions of the adjoining occupiers, it is recognised that there will be some effect, infilling the site with a higher density form of development. However, it is not considered that it will result in material harm.
- 7.15 The proposal will result in some loss of light to a window in the flank elevation of No 4 Barrack Lane. However, the window is obscurely glazed and there is another window which serves the living room facing (east) to the rear.
- 7.16 The western portion of the 'block adjacent to No 4 Barrack Lane' would be 3/4 stories in height . However, as the roof pitch slopes away from No 4, any potential dominating impact is reduced. The building has been designed such that there is one window and two doors windows facing south towards No. 4. However, these openings serve non-habitable rooms (corridors) and are at oblique angles to No 4. However, a condition is recommended ensuring the glazing within the window and doors is opaque. Given the orientation of the site and its relationship with No 4's garden, being to the south of the site, there is unlikely to be a material loss of sunlight / daylight to No 4 or its garden.
- 7.17 The proposed development is unlikely to materially affect No 6. This is on the basis that although there are some windows in the flank elevation to Barrack Lane, the windows are approximately 13 metres away from the new build scheme where it is under 2 storeys in height. Furthermore some of the windows in the flank of No 6 are obscurely glazed and the other windows serve the kitchen area. As there are no windows in the south elevation of the scheme, there will be no overlooking issues.
- 7.18 With regards to the effect upon Bancroft, the revised position of the lift tower element, being further away from the building will have less impact than the previous location which was immediately adjacent to the Bancroft building and potentially would have cast a slight shadow in the afternoon to the small window at the top floor of Bancroft. Overall, the relationship between the two buildings is considered to be acceptable.
- 7.19 It is unlikely that any of the properties to the east of the site i.e. on the other side of Barrack Lane and the backs of the properties on Pelham Crescent, will be affected adversely by the development. This is because these properties are located at a slightly elevated position to the scheme, the rear gardens are enclosed with a fairly tall >2m high brick wall, and the closest dwelling is situated some 16 metres away.
- 7.20 Although there will be some effect upon the neighbours to the north and south of the site, on balance the scheme is considered acceptable in terms of policy BE3.

Issue (iv) Impact upon Highway Safety and Parking (Policies BE2 and T3)

- 7.21 In addressing neighbours concerns over parking, the sixteen car parking spaces provided by the underground car park are considered to be acceptable in this location, representing the local plan standard of one for each apartment, as the site is within walking distance of the City Centre, a range of facilities and

accessible public transport services. Government advice states that local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances. This is reflected in the Local Plan, which sets out maximum rather than minimum requirements for parking. Furthermore there are no highway objections to the level of parking or to the position of the vehicular entrance in terms of highway safety. The outstanding issues raised by Highways in relation to the bellmouth / dropped kerb and street lighting column are expected to be resolved by negotiation and the outcome of those discussions will be reported to Committee.

- 7.22 Although the access / egress has been combined to a single rather than two separate openings, it is the case that the Inspector also concluded that there would be no unacceptable impact on highway safety, subject to conditions. The proposal is therefore considered to comply with the aims of Policies BE2 and T3.

Issue (v) Balanced Communities (Policy ST1)

- 7.23 Although the application site is outside the City Centre and in a location where family housing is encouraged, it is the case that Rocky Mount was previously occupied as flats and previous permissions have been granted for apartments on this site. An apartment development in this location, which is adjacent to a busy arterial route and with significant levels, constraints that are not ideally suited to family housing, is not therefore considered to compromise the aims of policy ST1. In addressing residents concerns, it is the case that sizeable two bedroom apartments are proposed which are unlikely to be occupied by students. A condition restricting the use to C3 only is recommended. For the reasons set out above the proposal would comply with policy ST1.

Issue (vi) Biodiversity and Tree Considerations (Policies NE3 and NE5)

- 7.24 The tree officer is satisfied with the tree report accompanying the application and in particular that the position of the vehicular entrance / exit will not have a detrimental impact upon the retained street tree. The other existing street tree further east up Derby Road is proposed to be felled but thus not considered to be of particular high amenity value and its replacement is therefore considered to be acceptable.
- 7.25 The updated bat survey and badger report are considered to be acceptable.
- 7.26 The proposal would adhere to the aims of policies NE3 and NE5.

Issue (vii) Section 106 Considerations (Policies R2 and ST1)

- 7.27 A financial contribution of £24,754.00 will be provided for off-site open space provision.

8. SUSTAINABILITY (Policy BE4)

- 8.1 The new apartments would be located in a highly sustainable location, being close to the City Centre and on a frequent bus route along Derby Road. An energy statement accompanying the application demonstrates that that the development would be built to exceed current building regulations through a combination of a photovoltaic (PV) array and improved fabric energy efficiency, to reduce the carbon

emissions of the proposed building by at least 10%. The proposal would therefore comply with policy BE4.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: would provide high quality and sustainable residential development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction and operation of the development.

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

14 CRIME AND DISORDER ACT IMPLICATIONS

The site has been vacant for approximately 12 years and has experienced problems of fly tipping. The redevelopment of the site for 16 apartments would resolve this problem and greatly enhance natural surveillance and community safety.

15 VALUE FOR MONEY

None.

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

1. Application No: 14/01401/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N724A7LYCB000>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
The National Planning Policy Framework NPPF
Aligned Core Strategy (ACS) Publication Version (2012) with modifications (2014)

The Park Conservation Area Character Appraisal and Management Plan (August 2007) PCAA&MP

Planning Inspectorate decision *on 2009 appeal – references:*

Appeal A: APP/Q3060/A/10/2130708 – relating to redevelopment Appeal B:

APP/Q3060/E/10/2130625 – relating to demolition

- Link to online case file

<http://www.pcs.planningportal.gov.uk/pcsportal/CaseSearchResults.asp>

Contact Officer:

Mrs Nicola Tyrrell, Case Officer, Development Management.

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

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Rocky Mount, Barrack Lane

1 SUMMARY

Application No: 14/01402/PFUL3 for planning permission

Application by: Signet Planning Ltd on behalf of Walker & Sons (Hauliers) Ltd

Proposal: Demolition of building.

The application is brought to Committee because this is 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 19th September 2014

2 RECOMMENDATIONS

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

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

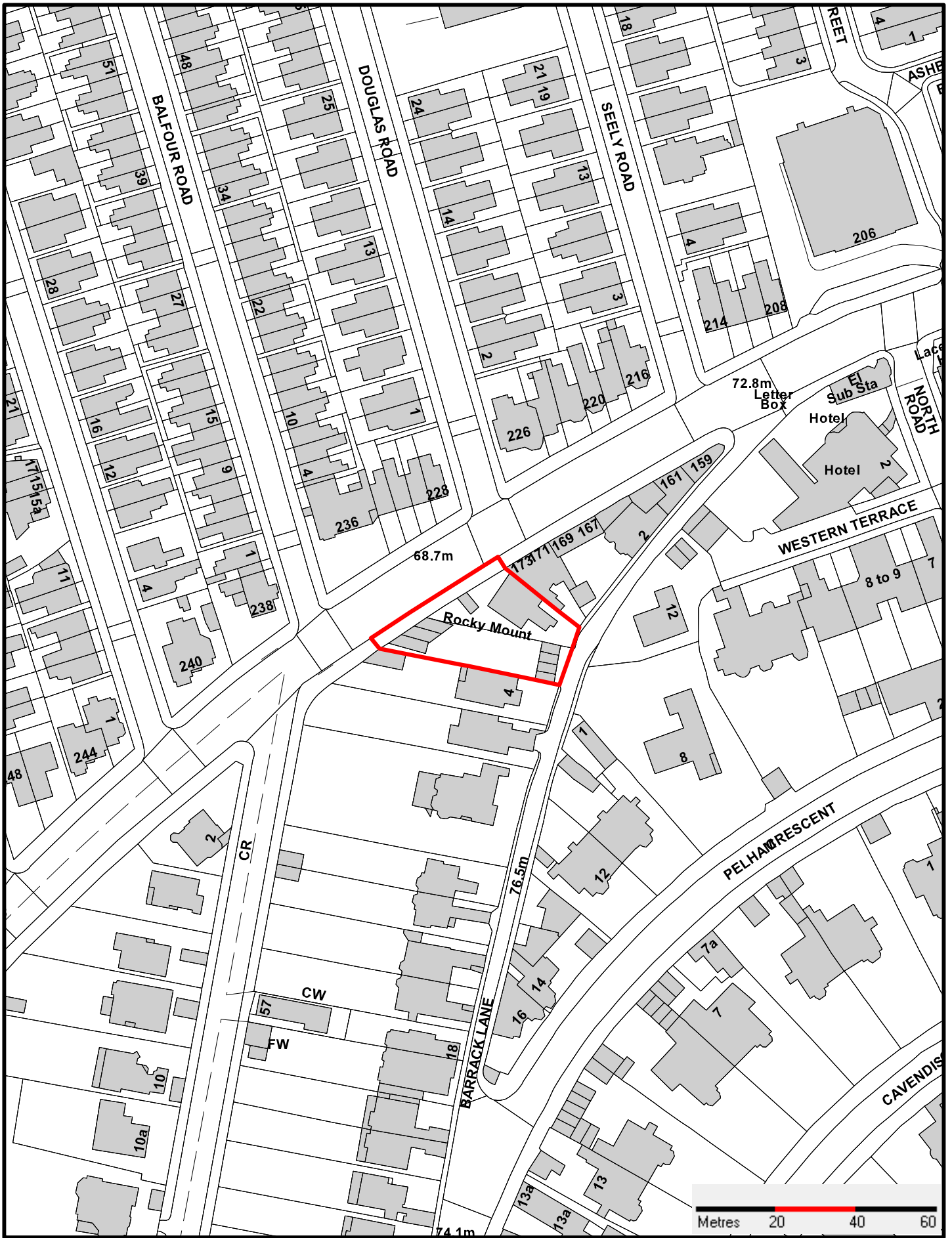
Power to determine the final details of the conditions to be delegated to the Head of Development Management and Regeneration.

For the main body of the report please see report regarding planning application reference: 14/01401/PFUL3 that appears elsewhere on the agenda.

Contact Officer:

Miss N. Tyrrell, Case Officer, Planning Services.

Email: nicola.tyrrell@nottinghamcity.gov.uk. Telephone: 0115 9155299



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My Ref: 14/01401/PFUL3 (PP-02932208)
Your Ref:
Contact: Mrs Nicola Tyrrell
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Tel: 0115 8764447
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Signet Planning Ltd
Mr Jim Ramsay
Rowe House
10 East Parade
Harrogate
North Yorkshire
HG1 5LT

Date of decision:

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

Application No: 14/01401/PFUL3 (PP-02932208)
Application by: Walker & Sons (Hauliers) Ltd
Location: Rocky Mount, Barrack Lane, Nottingham
Proposal: Redevelopment to provide 16 residential apartments following demolition.

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. <i>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.</i>
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 the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. <i>Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.</i>

3. No development shall be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
- a) Large Scale (e.g. 1:10 or 1:20) elevation and section drawings of each of the window and door types proposed to be used in the development to include details of materials and finishes.
 - b) Large Scale (e.g. 1:10 or 1:20) drawings showing details of balustrades and enclosure.
 - c) Large Scale (e.g. 1:10 or 1:20) drawings showing typical sections through the elevations of the building as indicated on the attached extracts from the approved drawings, showing details of depth and treatment of window openings, external reveals, floor edges / eaves, ridges, terraces and balustrade.
 - d) Details of surfacing proposals for those parts of the site which will not be soft landscaped.
 - e) Large Scale (e.g. 1:10 or 1:20) drawings of the treatment to the access arrangements from Derby Road for vehicle and pedestrian access, to include details of the design, materials and finishes of gates.

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 shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority;
- a) a detailed landscaping and planting scheme for the development indicating the type, height, species and location of proposed trees and shrubs;
 - b) details of new street tree planting, including details of location, species, size and planting troughs.

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.

5. Prior to the commencement of development, details of an environmental noise assessment and sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority. The environmental noise assessment shall be carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority and shall be suitable and sufficient and shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating.

The submission shall include 1/3rd octave band analysis, and state all assumptions made (e.g. glazing and façade areas) and be designed to achieve the following internal noise levels:

i. Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.

ii. Not more than 45dB LAmax (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

iii. Not more than 55dB LA eq (1 hour) for private residential garden areas (including garden areas associated with residential homes and similar properties).

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

i. Not exceeding NR30 for living rooms between the hours of 07.00 and 23.00.

ii. Not exceeding NR25 for bedrooms between the hours of 23.00 and 07.00.

The sound insulation scheme and any complementary acoustical ventilation, once approved by the Local Planning Authority, shall be installed prior to occupation of the units.

Reason: To ensure a satisfactory standard of residential accommodation is provided and to ensure that the occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.

6. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

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

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

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policy BE2 of the Local Plan.

Pre-occupation conditions

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

8. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of residential accommodation is provided and to ensure that the occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.

9. The apartments shall not be occupied until the car parking accommodation has been constructed and individual spaces for vehicles have been marked out and are available for use.

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

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

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

Regulatory/ongoing conditions

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

11. The development shall be carried out in accordance with the recommendations of the 'Protected Species Survey' (2014)

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any re-enactment thereof, the apartments shall not be used other than for purposes defined in Class C3 of The Town and Country Planning (Use Classes) Order 1987, as amended or any re-enactment thereof.

Reason: In the interests of developing sustainable communities in accordance with Policy ST1 of the Nottingham Local Plan.

13. The three openings to the south west elevation shall not be other than opaque glazed.

Reason: To protect the amenities of adjacent occupiers in accordance with Policy BE3 of the Nottingham Local Plan.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried

out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 20 June 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. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice.

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

4. The applicant is referred to working within the law in terms of the Protection of Badgers Act 1992. If the Badger sett remains inactive then closure without a licence will be fine, if the further soft closure survey indicates that the sett is actually now active again the applicant will need to apply for a licence to Natural England to close the sett.

5. The applicant is reminded that the property will not benefit from inclusion with the Barrack Lane Residents Permit Scheme.

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: 14/01401/PFUL3 (PP-02932208)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue

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My Ref: 14/01402/PFUL3 (PP-03459758)
Your Ref:
Contact: Mrs Nicola Tyrrell
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Signet Planning Ltd
Mr Jim Ramsay
Rowe House
10 East Parade
Harrogate
North Yorkshire
HG1 5LT

Date of decision:

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

Application No: 14/01402/PFUL3 (PP-03459758)
Application by: Walker & Sons (Hauliers) Ltd
Location: Rocky Mount, Barrack Lane, Nottingham
Proposal: Demolition of building.

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

Time limit

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

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

Pre-commencement conditions

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

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

Reason: To ensure the retention of the building if the development does not take place in accordance with Policy BE13 of the Local Plan.

Pre-occupation conditions

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

There are no conditions in this section.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 20 June 2014.

Reason: To determine the scope of this permission.

Informatives

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

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WARDS AFFECTED: Berridge

Item No:

PLANNING COMMITTEE
20th August 2014

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

13 Sherwood Rise, Nottingham

1 SUMMARY

Application No: 14/01190/PFUL3 for planning permission

Application by: GraceMachin Planning & Property on behalf of Mr Andrew Muldoon

Proposal: 12 new apartments following demolition of existing property (revised scheme).

The application is brought to Committee because a number of local residents have submitted letters of objection and the site is prominent within the Sherwood Rise Conservation Area.

To meet the Council's Performance Targets this application should be determined by 28th August 2014

2 RECOMMENDATIONS

Grant permission 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 to be delegated to the Head of Development Management and Regeneration.

3 BACKGROUND

3.1 The site is occupied by a two-storey building and large garden located on the corner of Sherwood Rise and 4th Avenue in the Sherwood Rise Conservation Area. The building has been substantially altered over a long period of time, including the application of a red render. The building is currently in very poor condition and the roof has been partly removed for safety reasons. The building sits close to the back edge of the Sherwood Rise (where a porch has been added) and 4th Avenue footways and to its south is a long garden, typical of this area, at the bottom of which is a car park accessed from Sherwood Rise.

3.2 The building's neighbours to the north and west are more elaborately designed three-storey dwellinghouses. Across Sherwood Rise to the east is a modern office building and to the south of the site accessed from Berridge Road are the Grade II listed Norris Almshouses.

3.3 The building (which had previously been used as a social club and offices) was granted permission in 1984 for use as an elderly persons' rest home (restricted to seven people and that use in particular). It is not clear when that use ceased.

Planning permission was granted in 2010 (10/03807/PFUL3) for the use of the building as a care home for people with learning difficulties. This permission was for up to six residents, three care staff on duty plus a manager and a cook/cleaner. It was also proposed to renovate the building, including repositioning of windows, changes to door locations, removal of an external fire escape, addition of two dormer windows on the south elevation and a rooflight on the north elevation, re-rendering (to be magnolia), reinstatement of the chimney and addition of a timber deck patio to the south elevation.

4 DETAILS OF THE PROPOSAL

- 4.1 This application is seeking permission for the erection of 12 one and two bedroom apartments following demolition of the existing building. The proposed building would be 4 storeys with 3 apartments on each level.
- 4.2 The development would be located at the northern end of the site with access and car parking to the south, along with communal garden areas. The 3 ground floor apartments would have individual front doors, whilst the upper floor apartments would be accessed via a shared stair core from the rear of the building.
- 4.3 The site would be bounded with a Bulwell or similar stone wall with railings above. Vehicular access would be maintained to the south of the site where there would also be an 11 space car park. A covered cycle store would also be available close to the access to the upper floor apartments. A bin store would be provided within the car park area.
- 4.4 A number of mature trees would be retained on the site including 3 of the Limes that run parallel with Sherwood Rise and have in the past been pollarded. New trees are also proposed within the Sherwood Rise elevation to continue the line of trees but with species that are more appropriate in size for this location.
- 4.5 It is proposed to construct the building predominantly with red brick. There would be render panels to break up the mass of the building and create interest on the bays. The 3rd floor would be constructed with a cladding system. Window frames are proposed to be grey in colour to match with the cladding.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Neighbour notification letters were sent to 1 – 2 and 4 Fourth Avenue; 1 – 8 Norris Homes and 8 Berridge Road East; 6 and 15 Sherwood Rise and 33 Mansfield Court. The application has also been advertised by site and press notices.

Responses have been received from 6 local residents.

2 neighbouring residents are objecting as the proposal will seriously affect their quality of life due to loss of light, loss of privacy and loss of view.

Another resident objects as the development of a 4-storey building will not cause anything other than significant overshadowing and overlooking. The position of the building will seriously and negatively impact on the privacy of the people living in the neighbouring property. Does not see how a modern 4-storey block of flats can be sympathetic to the Norris Almshouses. To build adjacent to the Sherwood Rise

boundary would destroy the character of 4th Avenue which is a unique row of historic cottages in the Sherwood Rise Conservation Area. Would be supportive of alternative plans which do not extend significantly beyond the footprint of the existing building, do not extend above the height of the adjacent buildings and is of a design in keeping with those surrounding buildings.

A resident of the Norris Homes objects that the building is too high; the tree plan is incorrect; car access on Sherwood Rise will cause noise/pollution at the back of the Norris Homes and the access point will be a blind spot.

A resident of Fourth Avenue is objecting a number of grounds as follows; impact upon the character of the area, stating that Fourth Avenue has retained its character over the years and residents enjoy living there because of the long gardens. Light would also be lost in the morning and early afternoon, there are already houses on Alberta Terrace towering over Fourth Avenue, this development will box the houses in. The submitted plan has windows overlooking the gardens of Fourth Avenue which would affect privacy. Trees would be destroyed unnecessarily. Car park access would not be safe. Site plan does not show the height of the proposed building against the adjacent house. Up until 4 years ago there were tenants in the property and the garden was beautifully maintained, would support a development within the boundaries of the existing house. This proposal would destroy part of the Conservation Area that has existed for hundreds of years and would set an unwelcome precedent.

A resident in the neighbouring property objects on the grounds that the development would be totally incongruous with other buildings in the area as it is not in line with the other buildings on Fourth Avenue. There would be loss of light and privacy and the new flats would contribute to increased issues with the flow of traffic.

Additional consultation letters sent to:

Pollution Control: No objection subject to the imposition of conditions relating to noise assessment and sound insulation.

Highways: No objection subject to the imposition of conditions relating to drainage; construction management plan; revised parking layout and details of vehicular footway crossing.

Tree Officer: Concern about the loss of the Lime trees to the site frontage. Other trees within the site could host roosting bats.

Biodiversity & Green Space: Support recommendation of Ecology Report.

Urban Design: The key to this site is the quality of the materials and the detailing and attention to detail in the construction.

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 taken 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 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Nottingham Local Plan (November 2005):

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

ST1 - Sustainable Communities.

H2 - Density.

H3 - Appropriate Housing Types.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

BE12 - Development in Conservation Areas.

NE3 - Conservation of Species.

NE5 - Trees.

NE9 - Pollution.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development
- (ii) Layout and design and impact on the conservation area
- (iii) Impact on residential amenity

(i) Principle of the development (Policies ST1, BE4, H2 and H3)

- 7.1 The site is located within a Primarily Residential Area and surrounded by other residential dwellings on the west side of Sherwood Rise. The last known use of the now vacant and derelict property was as an elderly person's residential home, a complementary residential use. The current building on the site is beyond viable repair and is not considered to be of significant historic value for its retention on the site to be justified. The site has a large front garden which was typical of this part of the Sherwood Rise Conservation Area, as the Forest Recreation Ground was originally a racecourse and this layout enabled residents a view. Whilst some properties have retained these long narrow gardens, many have been developed, particularly those on corner plots.
- 7.2 The NPPF supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. It states that local planning authorities should plan for a mix of housing and identify the size, type and tenure and range of housing to meet local needs, including affordable housing if required. It is considered that this housing scheme would contribute towards meeting local housing needs and would be in keeping with the NPPF and the City Council's strategic objectives to create sustainable balanced communities. Additionally, the development site is in a sustainable location, close to local facilities and a range of transport options.
- 7.3 It is considered that the principle of this residential development is acceptable and the proposal therefore accords with Policies ST1, BE4, BE12, H2 and H3 of the Local Plan.

(ii) Layout and design and impact on the conservation area (Policies BE2, BE3, BE5, BE12 and NE5)

- 7.4 The development of this prominent site within the Sherwood Rise Conservation Area with the proposed development of 12 apartments is considered to be of an appropriate size and scale to complement the surrounding buildings, and of a high quality design. The submission of amended plans showing the re-positioning of the building and changes to the elevations, along with details of the proposed materials have achieved this.
- 7.5 The form of the building is simple to prevent it competing with the Grade II listed Norris Homes that sit to the south of the site. The detailing to the bays are a modern interpretation of the stone bays on the neighbouring Victorian properties. The design of the roof and upper floor has ensured that this appears subordinate but also provides an interesting design feature.
- 7.6 The ground apartments would all have individual access points, providing more presence within the streetscene, along with giving ownership to small front garden areas. The boundary wall would be constructed of Bulwell stone with railings above

which is in keeping with other boundaries in the area.

- 7.7 The proposed materials are considered to be of a high quality and the detailing to the brickwork panels has been given much thought to ensure that this building is of a sufficiently high quality for this prominent location in the Conservation Area. The windows would have reveals of 100 mm and would be finished in a contemporary grey colour to match the horizontal cladding of the upper floor.
- 7.8 The retention of some of the mature trees within the site maintains another important characteristic of the Sherwood Rise Conservation Area. Whilst it is unfortunate that not all of the Lime trees to the boundary of the site with Sherwood Rise can be retained, the proposal to provide replacement trees along the street elevation is considered to be appropriate in order to achieve an acceptable positioning of the building.
- 7.9 The layout and design of the buildings is considered to be appropriate and would therefore accord with Policies BE2, BE3, BE5, BE12 and NE5 of the Local Plan.

(iii) Impact on residential amenity (Policies BE3 and NE9)

- 7.10 It is considered that there would be no significant adverse impact upon the amenities of the neighbouring residents or future occupants of the development in terms of light and privacy.
- 7.11 The repositioning of the building to line up the northern most build with the principal elevations of the immediate neighbouring building on Fourth Avenue would prevent direct overshadowing of habitable rooms.
- 7.12 The orientation of habitable room windows within the proposed development would prevent any direct overlooking. There would be a distance in excess of 25 metres between the side elevation of the new development and the rear elevations of the Norris Homes. As such it is not considered that their privacy would be adversely affected.
- 7.13 The proposed car parking area would be created from an area that has historically been used for access and parking for the existing property on the site. Highways are satisfied that safe access could be achieved at this point. There would be an increase in the number of residential units on the site; however, the previous use as a residential care home could have resulted in many vehicular movements due to shift changes, deliveries and visitors. The actual parking spaces would not be adjacent to the boundary wall of the Norris Homes and therefore it is not considered that significant loss of amenity through noise and disturbance would result.
- 7.14 A condition is recommended to ensure that appropriate sound insulation is provided within the dwellings to address traffic noise from Sherwood Rise. The apartments are all considered to be of a generous size and benefit from front gardens on the ground floor, balconies on the top floor and Juliet balconies on the 1st and 2nd floors.
- 7.15 Overall it is considered that the proposal would comply with Policies BE3 and NE9.

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

- 8.1 An Energy Statement has been submitted with the application and states that the proposed development would make use of a highly energy efficient fabric and services specification, which would enable the apartments to comply with Code for Sustainable Homes Level 3 requirements, and 2010 Building Regulations without the need for photovoltaics or any other renewable technology. The building would also include features to encourage the end users of the dwellings to think about the way they use the building and will help the development to reduce carbon emissions even after construction and all works by the developer have been completed. These include energy display devices; low energy lighting; advice on white goods; energy efficient boilers and provision of waste storage.
- 8.2 A bat survey has been submitted with the application which found no evidence of bats on the site.
- 8.3 It is considered that the development satisfies the requirements of policies BE4, NE3 and NE5 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 high quality and sustainable residential development.

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

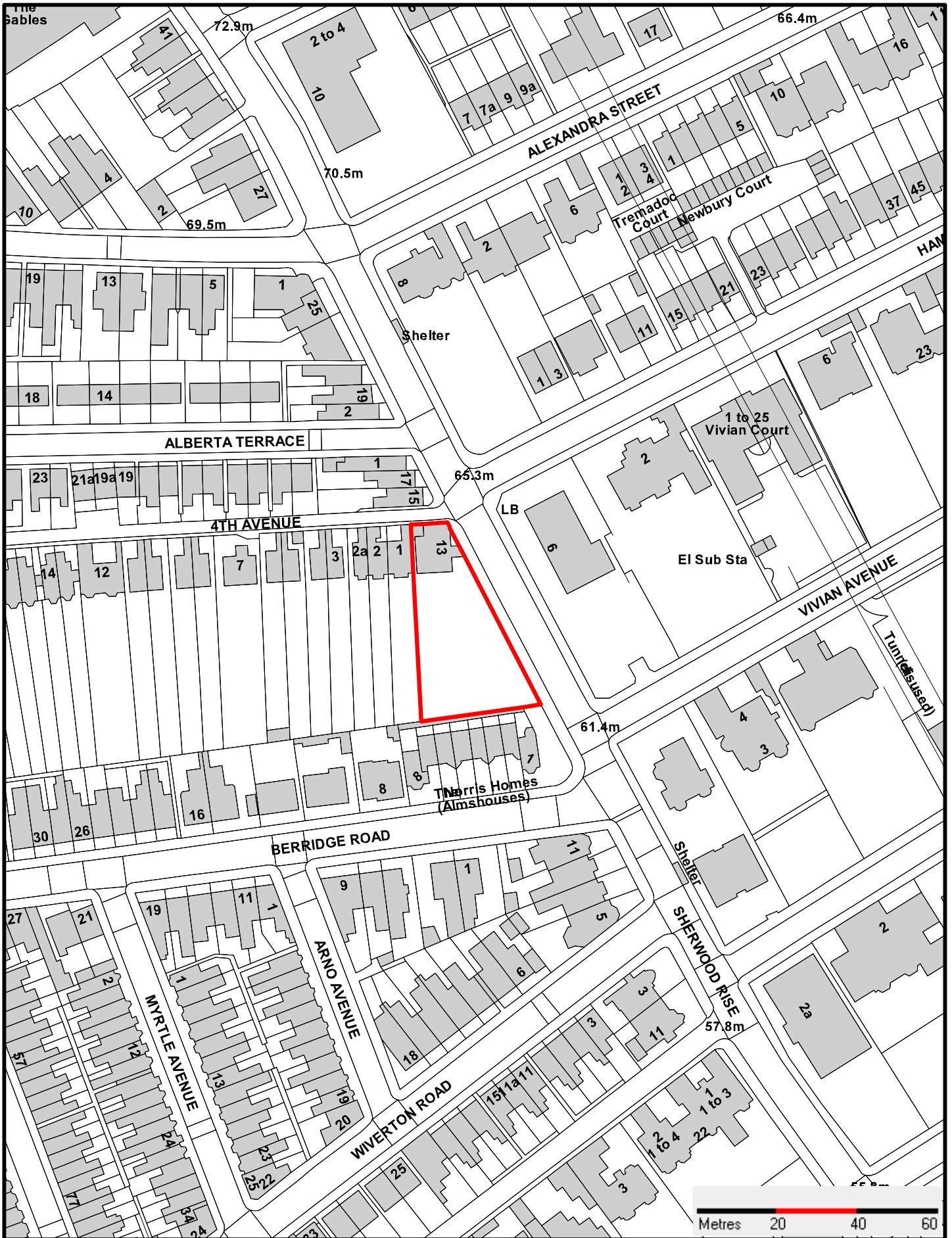
1. Application No: 14/01190/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N5V8YGLYCB000>
2. Highway comments – 13th June 2014
3. Biodiversity Officer comments – 5th June 2014 and 30th June 2014
4. Pollution Control comments – 13th June 2014
5. Third party comments (6) – 5th/6th/10th/15th/17th/17th June 2014
6. Tree Officer comments – 11th June 2014

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
National Planning Policy Framework

Contact Officer:

Mrs Rachel Gaskell (Mon, Tue And Fri), Case Officer, Development Management.
Email: rachel.gaskell@nottinghamcity.gov.uk. Telephone: 0115 8764052



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My Ref: 14/01190/PFUL3 (PP-03393920)
Your Ref:
Contact: Mrs Rachel Gaskell (Mon,Tue And Fri)
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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GraceMachin Planning & Property
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Lace Market
Nottingham
NG1 1JK

Date of decision:

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

Application No: 14/01190/PFUL3 (PP-03393920)
Application by: Mr Andrew Muldoon
Location: 13 Sherwood Rise, Nottingham, NG7 6JD
Proposal: 12 new apartments following demolition of existing property (revised scheme).

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. <i>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.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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Continued...

2. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the LPA.

The environmental noise assessment shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

All sound insulation measures included within the scheme shall be incorporated into the development prior to the first occupation of any residential unit.

Reason: In the interests of residential amenity in accordance with Policy BE3 of the Local Plan.

3. The development shall not be commenced (including demolition works) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction work shall be carried out in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policies BE2 and NE9 of the Local Plan.

4. No part of the development hereby permitted shall commence on site until such time that the means of disposal of surface water, incorporating Sustainable Drainage Systems (SUDS), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce flood risk to third party properties downstream of the development and to reduce the risk of overloading the sewerage system in accordance with Policy BE4 of the Local Plan.

5. The development hereby permitted shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify the detail of trees proposed to be removed, measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans and a schedule of tree work for the retained trees.

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

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

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

7. The development shall not be commenced until details of areas to be hard landscaped, including the proposed parking areas and driveways which should be of permeable materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Pre-occupation conditions

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

8. The development shall not be occupied until such time that revised details of the 11 space car park layout have been submitted and approved in writing by the Local Planning Authority. All parking spaces shall have minimum dimensions of 4.8m by 2.4m and the car park shall be surfaced in a bound material with spaces clearly delineated. Thereafter the development shall only be constructed in complete accordance with the approved details.

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

9. No part of the development hereby permitted shall be occupied until the modified vehicular access and footway crossing has been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian priority, to enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway Safety in accordance with Policy BE2 of the Local Plan.

10. The development shall not be occupied until details of a landscaping scheme with proposals for management and maintenance, including the type, height, species and location of the proposed trees and shrubs, have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years



shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Regulatory/ongoing conditions

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Planning Layout reference 2739 - 04 revision B dated 1 June 2014, received 14 July 2014
Planning Layout reference 2739 - 02 revision G dated 1 March 2014, received 28 July 2014
Elevations reference 2739 - 03 revision D dated 1 March 2014, received 28 July 2014
Drawing reference SR-02 dated 1 June 2013, received 20 May 2014
Location Plan reference SR-01 dated 1 June 2013, received 20 May 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. The Local Planning Authority considers that the quality of the finished development depends upon strict compliance with the fine details shown on the approved drawings. You are therefore asked to ensure that all contractors are fully aware of the specific details relevant to their trades, and in particular the proposed pointing and brick course variations, and the depths of the window reveals.

3. 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.

4. Planning consent is not consent to work on the highway. To carry out the off site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 876 5293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

5. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.



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

- Protective fencing for retained trees
- Schedule of tree work
- Method of working within identified root protection areas
- Installation of service and utility runs
- Arboricultural monitoring and record keeping
- Pre-commencement site meeting
- Method of working for landscape operations

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

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: 14/01190/PFUL3 (PP-03393920)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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WARDS AFFECTED: Clifton South

Item No:

PLANNING COMMITTEE
20th August 2014

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Fairham Brook Nature Reserve, Green Lane

1 SUMMARY

Application No: 14/00926/PFUL3 for planning permission

Application by: Nottinghamshire Wildlife Trust

Proposal: Excavate 570m of ditches and a series of ponds to enhance the habitat of the nature reserve.

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

To meet the Council's Performance Targets this application should have been determined by 6th June 2014

2 RECOMMENDATIONS

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

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

3 BACKGROUND

3.1 The proposal relates to the Fairham Brook Nature Reserve which is adjacent to Green Lane and Farnborough Road, and forms the eastern boundary of the Old Fairham School and managed by the Nottinghamshire Wildlife Trust. It is approximately 10.8ha in size, stretching along the Fairham Brook for around 1.3km.

3.2 Fairham Brook Nature Reserve has been designated as a biological Site of Importance for Nature Conservation (SINC) and a biological Local Wildlife Site (LWS), with the following description: "A valuable area of scrub, grassland, ponds and swamp, with a length of the adjacent Fairham Brook" (*from SINC designation.*) The site is also identified as being within the Green Belt and part of the Open Space Network and the washlands.

4 DETAILS OF THE PROPOSAL

4.1 The main aim of the proposal is to rewet the area of fen habitat at the northern end of the nature reserve, which has dried out significantly due to a combination of changing hydrology and long abandoned grazing. The scheme will enable water to be brought onto the reserve to recreate that which once occurred naturally i.e. occasional inundation and retention of water in the floodplain to maintain and

enhance habitats on site to allow them to attract and support the species that depend upon them.

- 4.2 The reserve now comprises a diverse range of open water (in the brook and a few small ponds, most of which dry up in the summer), dry reed bed, scrub, and neutral grassland.
- 4.3 To achieve this objective it is proposed to excavate 570m of ditches and four ponds to enhance the habitat of the nature reserve. The ditch would be 1 metre wide at the top diminishing to 300mm at the base with a depth of between 1 and 1.5m. This will result in maximum excavation of approximately 960m³ of spoil all of which would be removed from site. The ditch would be connected to the Brook at the inflow and outflow with pipework. The inflow would be set to allow it to take water into the ditch system only at times of high flow. The outflow would be set to allow the system to retain water.
- 4.4 Four new ponds would be created with a maximum depth of 1.5m. These will be connected to the ditch via shallow spillways 250mm deep in order to assist with water retention. The ponds would be managed to create areas of open water in amongst the existing vegetation.
- 4.5 Given that the area where the ditch is to be excavated is heavily scrubbed and contains a number of willow trees, the proposal involves the removal of some scrub and trees. It is also necessary to control further scrub and willow trees in order to create a mosaic of habitat of different ages and to prevent further drying out of the fen.
- 4.6 It is anticipated the main works will take 15 working days. It is proposed to create a temporary area of hard standing parallel to Green Lane for the loading of vehicles. A membrane will be placed underneath 150mm of crushed brick, which will be removed at the conclusion of the works.
- 4.7 Since the proposal was originally submitted, amendments have been made with the effect that the area of ditches has been reduced from 640m to 570m. Also, to address concerns expressed, the amended proposal no longer includes the installation of a raised stone track.
- 4.8 Additional surveys have been provided to include bat, tree, soil and professional advice relating to the soil report.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted: 6 Lyons Close, 20 Sanger Close, 64 Watertown Road, 20 Fleming Gardens, 17 Granton Avenue, 3 Gaywood Close and 22 Priory Road, West Bridgford.

The application has been advertised by a site notice and press advert. In addition the above local properties have been directly consulted on both planning applications:

3 letters received in support of the proposal:

- The reserve is gradually becoming more heavily scrubbed over and the wetter areas are drying out.

- Whilst the proposals will see some reduction in scrub woodland cover which is a very useful habitat type and inevitably a degree of disruption and disturbance in the long term it will increase the potential for wetland habitat which is declining on this site and is already rare and unusual for the area. Overall it is felt that the benefit to biodiversity will be positive.
- It will enhance the long term future of this valuable natural environment to the benefit of the local community.
- Spending time in the reserve in the 50's and 60's it is recalled that it was just as described in the application, full of varied wildlife and it was fen area which flooded and largely frozen over during the winter months.
- The deepening of the brook has completely changed this area, which now appears to be mostly covered in nettles with much useless scrub.
- The proposed work and future management of the site is absolutely vital to help attempt to right the wrongs associated with the dredging work of the 1970s return the area to it's former richness and diversity.

4 letters of objection received:

- Fairham Brook nature reserve is a special place.
- The proposal is unnecessary, invasive, damaging and money-driven.
- It will not help sustain the wildlife which is already there.
- It would introduce inroads into a relatively undisturbed part of the nature reserve.
- This proposal will add to the tree losses in Clifton due to the A435, tram works, Clifton Grove and the Park/woods felling.
- A local resident has known the reserve from 1954 when it was last used for farming (grazing) and has been a NWT member and a warden of the reserve and is very knowledgeable of the area. The process of natural flooding has been observed for 60 years. Any flooding will disappear as the water table is quite high and is not drying out.
- The natural vegetation present on the reserve points to a high water retention substrata habitat.
- Habitats will be destroyed as ditches will dry out the area by breaking through the present water retaining substrata surface layer.
- It has been suggested that the ditches could be lined in clay. It is questioned how the water would transfer to the surrounding area if retained in the ditch.
- The NWT and NCC will contravene the Natural Environment and Rural Communities Act 2006 by not conserving wildlife and replacing a large area with an unnatural manmade habitat.
- The legality of the planning application is questioned as NCC are partners with NWT and this is not indicated on the forms.
- There is a concern over the additional information that keeps being submitted and re-consulted upon. This should have been provided upfront.
- Temporary hardstanding for construction vehicles is inappropriate.
- The application appears flawed and incomplete , e.g. precise hydrology (including topography and ground details) of the location has not been included.
- Gentle tweaks over time, would be the sensitive way to manage this reserve.
- The applicants' works attitude and their contractors has unsettled members of the local community.
- 'Strategic green infrastructure' damages existing, valued environment at the nature reserves. Higher-level monitoring arrangements are needed to enforce against damaging-management of the nature reserve.

- The nature reserve is the single remaining wildlife area. The project will not benefit locals and they do not see it as a further 'country park.'
- To change this area by going in with machinery will cause distress to the wildlife and loss the habitat which is irreversible.

A petition has been submitted with a total of 169 signatures objecting to the scheme on the basis that it is a destructive and pointless project. One person supported the scheme.

An additional letter was received following re-consultation on additional information received. The fresh objections are detailed below:

- No date or author details were provided for the soil report.
- The findings of the survey refer to the ground being wet under the surface after weeks of dry weather. This is a contrast for the rewetting proposals stating that this reserve is drying out. The jargonistic Canadian base data process is unhelpful.
- There is no mention in the soil report of the important peat deposits which underlie much of the area and retains the water which has been failed to be located on the survey. Manmade ditches could destroy the water retaining properties.
- There was destructive intrusion made by NWT into the reserve to conduct the survey without regard to the nesting birds season. Surveying should have been undertaken during winter months

Comments: In addressing the above concerns, the test pits were dug by Chris Kennedy, Southern Reserves Officer, NWT and Dave Sutton, EMEC Ecology, in the last week of June with the report produced on the 30th June 2014, all due care and attention was paid to limit disturbance to breeding birds during the works. Test pits were not dug in heavily scrubbed over areas due to the likely presence of nesting birds. The test pits were dug at this time as they were requested by the City Council Ecologist in order for the planning application to be considered.

Whilst there are some wetter areas still present on site, the majority of the area has succumbed to a process of drying out due to increased scrub and tree cover caused by increased evapotranspiration and allowing an accumulation of leaf litter. It was not possible to dig test pits in the very scrubby areas due to the presence of breeding birds. The site is now characterised by patches of 'dry' reedbed (not in standing water) surrounded by scrub, willow and nettle and bramble patches – all strong signs that the wetness of the site has been reduced. The purpose of digging the test pits was to confirm that the soil type was such that it would enable water to be retained in the ponds, and conveyed through the site by the ditches – which the report demonstrates.

The report does not mention the peat deposits as it was focussed on the ability of the test pits to hold and convey water, not on finding peat across the site.

Additional consultation letters sent to:

Parks and Biodiversity Officer: Support the proposal. The proposals aim to create more Fen, Reedbed and Willow Carr habitat on the site, and this would be in line with paragraph 118 of the NPPF which states that "development proposals where the primary objective is to conserve or enhance biodiversity should be permitted".

It is noted that site surveys, soil testing and professional advice has been sought on the proposals.

In terms of the findings of the soil sample report, professional advice of a Drainage Board Environment Officer and ex-Environment Agency Officer has been sought. The summary of the professional advice concluded *'that robust data has been used to develop the project. It can therefore be confidently expected the features you are proposing to be inundated as anticipated. It has also been advised that the new ditches will sit above the underlying clay layer and should therefore stay wet.'*

Natural England: The proposal is in close proximity to the Wilwell Cutting and Wilford Claypits Sites of Special Scientific Interest (SSSI's). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. The LPA are advised that these SSSI's do not represent a constraint in determining this application. Attention is drawn to Natural England's Standing advise with respect to protected species.

The LPA should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife.

Consideration should be given to securing measures to enhance the biodiversity of the site from the applicant. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Drainage: The proposal to increase flood storage within the Fairham Brook catchment is welcomed. The hollow and ditch system will reduce the risk of flooding to downstream areas during low return period events and the creation of wetland habitat will improve water and habitat quality within the Brook, which will contribute to Water Framework Directive targets.

The following information is required prior to works commencing on site:

It is recommended that topographic levels pre- and post-development must be required by condition to show the net change in ground level pre- to post-development.

The temporary on-site works must take account of the risk of flooding to the site. Material arising from the creation of hollows and ditches must be stored in areas outside the floodplain envelope before being transported from site.

It is recommended that site investigation is undertaken to determine the level of groundwater on the site and the suitability of the ground to store and hold water such that the desired habitat is created.

The exact locations and depths of public sewer assets should be determined. There are a number of surface water sewers and foul sewers that cross the Nature Reserve and that intersect the proposed route of the ditch system. It is recommended that the applicant contacts Severn Trent Water's Asset Protection Team to determine any constraints on the proposals in relation to excavating ground above public sewers and the minimum level of cover that is required.

The following comments are from NTW in response to the above:

Excavated materials will not be stockpiled on site, but will be removed on an ongoing process throughout the excavation works.

The site currently contains man made ponds which contain water, and as the site is relict fen with reeds present we are confident that the system will hold and convey water.

The issues of the sewers have been investigated with Severn Trent Water and they are providing us with additional information on the depths of the pipes, but are happy with what we have proposed

Tree Officer: Is satisfied that the additional information is now sufficient in tree terms to determine the application. It is recommended we secure retention unpollarded of T5, which is a well proportioned mature Willow and quite prominent from Green Lane. Generally the proposed felling or pollarding will have little impact on the wider landscape, with retained trees around and beyond, in a mosaic of open ground transitional to wet woodland. Comment: It has been confirmed that T5 will be secured.

Highways: No objections, subject to a condition requiring the footpath surface be reinstated. Informatives are also recommended regarding the temporary traffic regulation orders and to contact Highway Network Management.

Environment Agency: No objections to the proposal. It will provide ecological enhancement and will lead to improvements within the Nature Reserve. A condition requiring all excavated spoil be taken off-site is recommended. An informative is recommended that the applicant also liaise with the Council as Lead Local Flood Authority.

Rushcliffe Borough Council: No response received.

Councillor Trimble: Is supportive of the project to re-wet the site. The Wildlife Trust is bringing new investment to those sites it manages under the Service Level Agreement with Nottingham City Council, and it is recognised that this application is aimed at improving the habitat management and preventing the site from drying out is welcomed.

The work to re-wet the site is encouraged to help to increase the use of the nature reserve by local people, schools, community groups, and a range of active volunteers.

6 RELEVANT POLICIES AND GUIDANCE

The National Planning Policy Framework NPPF

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the governments commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 118 states that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted.

Nottingham Local Plan (November 2005):

NE2 - Natural Conservation.

NE3 - Conservation of Species.

NE8 – Green Belt.

NE10 - Water Quality and Flood Protection.

R1 - The Open Space Network.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- Issue (i) Impact upon Nature Conservation
- Issue (ii) Impact upon the Greenbelt
- Issue (iii) Flooding issues
- Issue (iv) Amenity

Issue (i) Nature Conservation Considerations (Policies NE2, NE3 and NPPF)

- 7.1 It is anticipated that the scheme will create improved Fen, Reedbed and Willow Carr habitat within the reserve, rejuvenating a habitat which is rare within the City. The proposals would benefit the biodiversity of the site, and improve the available habitat for harvest mice, water shrew, frogs and toads and prevent further degeneration of the flora through the drying out process currently taking place.
- 7.2 The amendments made to the scheme such as the omission of the path are also welcomed. In terms of the findings of the soil sample report, professional advice of a of local Drainage Board Environment Officer and ex Environment Agency Officer has been sought by the applicant. The professional advice concluded that robust data has been used to develop the project. It can therefore be confidently expected that the proposed features will be inundated as anticipated. It has also been advised that the new ditches will sit above the underlying clay layer and should therefore stay wet. Parks and Open spaces are also supportive of the scheme. The Tree Officer has raised no objection to the proposal.
- 7.3 The additional updated bat survey found that many of the trees had limited potential (category 2) for roosting bats, with just one tree showing a definite potential. This

tree will be retained, in line with legislation reasonable avoidance measures will be taken when felling any of the category 2 trees.

- 7.4 The NWT have ensured that the project would be fully compliant with relevant wildlife legislation. The works would be carried out in the coming winter, outside of bird breeding season and when most other species are less active, to minimise disturbance.
- 7.5 The project helps to achieve the aims and objectives of the Nottinghamshire Biodiversity Action Plan LBAP. It is also the case that a number of other non statutory but relevant organisations such as Biodiversity Action Group (BAG) and Trent Valley Drainage Board support the proposal.
- 7.6 In light of the above, the development is not considered to have an adverse impact upon the flora, fauna, protected species, landscape or geological features of the Local Nature Reserve (LNR) and Site of importance for Nature Conservation (SINC). Conditions are recommended to by way of mitigation measures. The proposals are therefore compliant with policies NE2, NE3 and the NPPF.

Issue (ii) Impact upon the Greenbelt (Policy NE8)

- 7.7 The proposed excavation of ditches and ponds would not have an impact upon the openness of the greenbelt. The proposal is therefore considered to be acceptable and would be in accordance with policy NE8.

Issue (iii) Flood Risk Assessment (Policy NE10)

- 7.8 The Environment Agency are supportive of the proposal as it will result in an increased capacity of the floodplain as a result of the ponds and ditches. In line with the recommendation of the Environment Agency a condition will be included to ensure that the spoil will be removed from site.
- 7.9 The works complement other biodiversity enhancements along Fairham Brook which are being undertaken as part of the water framework directive project for the Environment Agency. The proposal would therefore comply with policy NE10.

Issue (iv) Amenity (Policy BE3)

- 7.10 The works will not be visible from outside the nature reserve due to the band of scrub which is around the perimeter of both Farnborough Road and Green Lane.
- 7.11 Construction works have been programmed to keep disruption to a minimum. Given the location of the reserve and the proximity of the nearest residential properties and school it is not anticipated there will be any adverse impacts upon the living or working conditions of adjacent occupiers. The proposal would therefore comply with policy BE3.

Other Matters

- 7.12 In addressing third party concerns over the legality of the application, it is the case that the application has been submitted by NWT. The applicants have followed due process and there is no reason to question the validity of the application.

8. SUSTAINABILITY / BIODIVERSITY

8.1 The proposals would benefit the biodiversity of the site.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None

14 CRIME AND DISORDER ACT IMPLICATIONS

None

15 VALUE FOR MONEY

None.

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

1. Application No: 14/00926/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N45WPFLY00L00>

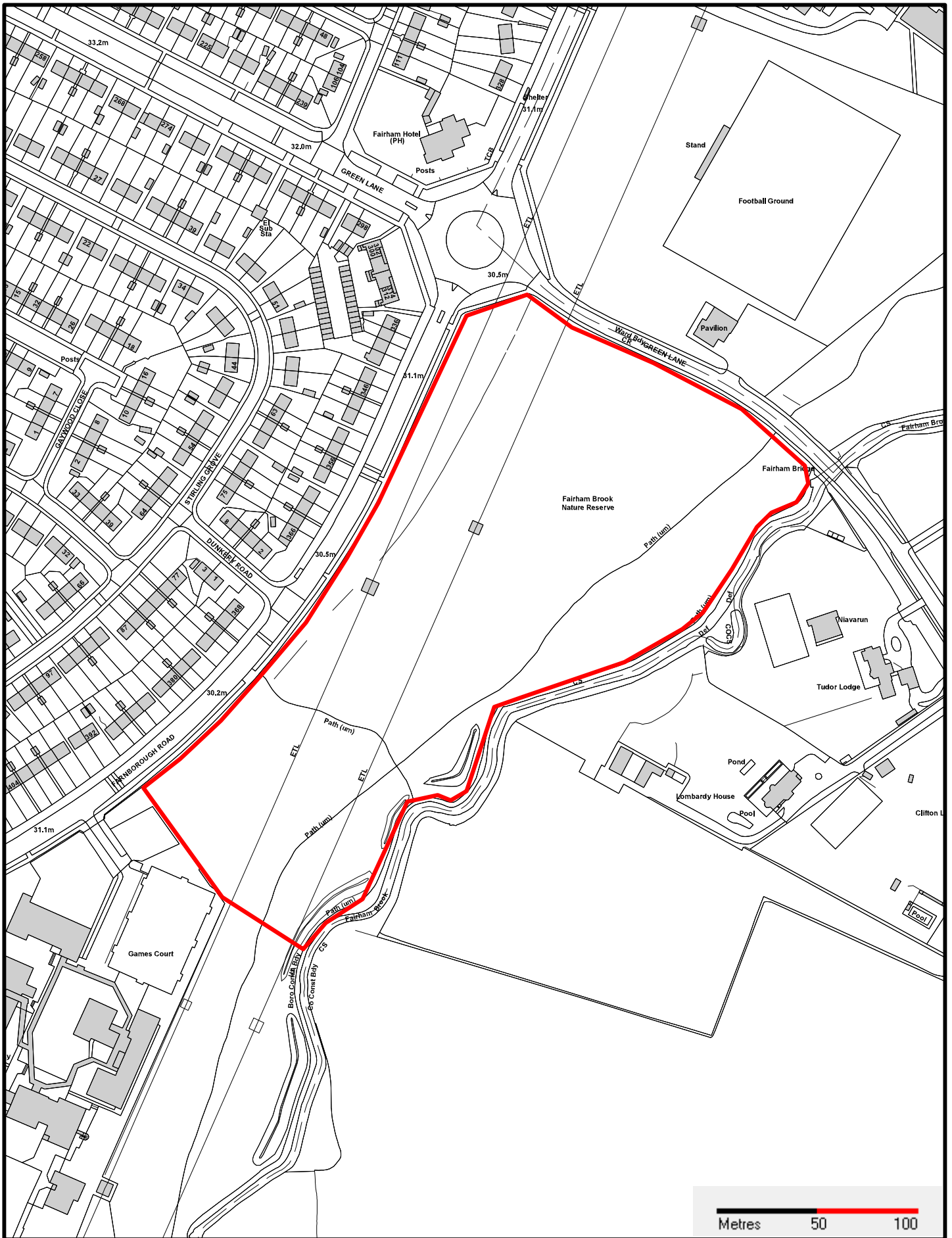
17 Published documents referred to in compiling this report

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

Contact Officer:

Mrs Nicola Tyrrell, Case Officer, Development Management.

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



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My Ref: 14/00926/PFUL3

Your Ref:

Contact: Mrs Nicola Tyrrell

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Nottinghamshire Wildlife Trust
FAO Miss Ruth Testa
The Old Ragged School
Brook Street
Nottingham
NG1 1EA

Date of decision:

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

Application No: 14/00926/PFUL3
Application by: Nottinghamshire Wildlife Trust
Location: Fairham Brook Nature Reserve, Green Lane, Nottingham
Proposal: Excavate 570 m of ditches and a series of ponds to enhance the habitat of the nature reserve.(Additional Information Received)

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

Time limit

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

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

Pre-commencement conditions

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

2. No development shall be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:

a) Details of the topographic levels pre and post development to show the net change in ground levels pre to post development.

The development shall be carried out in accordance with the approved details unless any subsequent changes have been agreed in writing.

Reason: In the interests of flood prevention in accordance with Policy NE10 of the Local Plan.

3. No part of the development hereby permitted shall commence until such time that further details of the planned reinstatement to the footpath surface have been submitted to and



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DRAFT ¹ ONLY

Not for issue

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Continued...

agreed in writing by the Local Planning Authority in consultation with Public Rights of Way.

Reason:- To promote sustainable travel and in line with Policy T12 of the 2005 Local Plan.

Pre-occupation conditions

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

There are no conditions in this section.

Regulatory/ongoing conditions

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

4. All excavated spoil shall be removed from the site.

Reason: To ensure flood flows and flood storage capacity are not disrupted by the works in accordance with Policy NE10 of the Local Plan.

5. Following the completion of the works, the area of temporary hardstanding off Green Lane shall be removed and the land reinstated.

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

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Location Plan, received 20 May 2014
Other reference DAS, received 16 May 2014
Other reference BAT -TREE REPORT, received 20 May 2014
Other reference CROSS SECTION, received 20 May 2014
Other reference SOIL REPORT, received 11 July 2014
Other reference OPINION ON SOIL REPORT, received 1 August 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 temporary closure of the footpath will require a Temporary Traffic Regulation Order which costs approximately £2200. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as there is a lead in time of 6 weeks; please contact Traffic Management on 0115 876 5245 to instigate the process.

4. Planning consent is **not** consent to work on the public highway. Therefore prior to **any** works commencing on site you **must** contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

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: 14/00926/PFUL3

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

WARDS AFFECTED: Sherwood

Item No:

PLANNING COMMITTEE
20th August 2014

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

294 Hucknall Road, Nottingham

1 SUMMARY

Application No: 14/00850/PFUL3 for planning permission

Application by: Henry Mein Partnership on behalf of Ackroyd Electrical Services Ltd

Proposal: Conversion to 7 self-contained flats following part demolition.
Erection of 10 self-contained flats in grounds of existing building.

The application is brought to Committee because it is a major application and the application is considered to be sensitive given the level of public interest.

To meet the Council's Performance Targets this application should be determined by 28th August 2014

2 RECOMMENDATIONS

- 2.1 Grant permission subject to the conditions listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of the conditions to be delegated to the Head of Development Management and Regeneration.

3 BACKGROUND

- 3.1 The site is the now closed Hubb public house (formerly The Quorn) and its car park. The former pub sits at the front of the site with the car parking to the side and rear. The site is located on the east side of Hucknall Road north of its junction with Haydn Road. To the south are flats, to the north a car repair garage and to the east (rear) are the backs of houses on Wentworth Road.

4 DETAILS OF THE PROPOSAL

- 4.1 Conversion of the pub building to seven flats. The ground floor would comprise one 2-bed flat and three 1-bed flats and on the first floor would be two 2-bed flats and a 1-bed flat. Generally these would be accessed from the main entrance facing the car park, although one flat would be accessed directly from Hucknall Road.
- 4.2 New build to provide four 1-bed flats and two 2-bed flats. These would be accessed from three entrances at their front, facing the car park. This new building would be set behind the pub building and facing Hucknall Road so that it would be partly

visible at the rear of the car park. The new building would be two-storey with a flat roof behind a parapet, taking its design cue from the public house.

- 4.3 Externally, there would be thirteen parking spaces and twelve secure cycle spaces adjacent to the new flats. A landscaping area would be provided adjacent to the entrance to the former public house and two of the converted, ground floor flats at the rear would have their own private garden space. To the rear and sides of the new building would be landscaped amenity space accessible from the three ground floor flats in the new building.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted (including on revised plans):

1 to 19 (odds) and 6 Wentworth Road; Apartments 1 to 4 Haydn Court; Severn Trent Water Hucknall Road; 296 Hucknall Road; 2A, 4, 8, 9, 14, 18, 25, 43 and 44 Leonard Avenue; 47 and 65 Caledon Road; 33 Crossley Street; 47 Compton Road.

Fifteen objections were received to the original proposal, which was for conversion to 7 flats and a new build of 8 flats with 13 parking spaces. These objections related almost entirely to the underprovision of parking and to the effect that would have on on-street parking on Leonard Avenue, where there is an existing parking problem. Also noted were the small size of the flats and the impact on light to a house on Leonard Avenue.

Additional consultation letters have been sent to neighbours and to all objectors following the receipt of revised proposals and any further objections and comments will be reported as an update.

Ward Councillors carried out a separate consultation, to which twenty-one responses were received; nine objected to the proposal, eight had no objection and four were 'don't knows'. These residents again principally raised the issue of parking, and overlooking of houses on Wentworth Road was also raised.

Additional consultation letters sent to:

Highways: No objection subject to conditions regarding construction management plan and sustainable urban drainage.

Heritage and Urban Design: Although the proposal involves loss of a public house, it has been vacant for a while and its reuse is welcomed. The internal layout of the conversion shows living areas facing the street as well as a front door, which will encourage informal street surveillance and activity. A new boundary wall and railings will help give some security and enclosure to the future occupants of the property. The additional new landmark tree is also welcomed.

The building to the rear has been kept low to protect the amenity of residents to the rear and relocated so as to help enclose the amenity space associated with the flats. The design of the roof is appropriate in terms of the buildings location and in relation to the existing (public house) building design, also contributes to the building's rather 'squat' appearance. However, in the light of its position to the back of the site and the amenity benefits of restricting its height, the design is fully supported.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, the 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 taken 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 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.5 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Nottingham Local Plan (November 2005):

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

ST1 - Sustainable Communities.

H2 - Density.

H3 - Appropriate Housing Types.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Layout and Design
- (iii) Impact on Neighbours
- (iv) Parking

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

- 7.1 The application site has previously been developed and is allocated as a Primarily Residential Area in the Local Plan. It is considered that residential development is appropriate in this location.
- 7.2 Consideration has been given to the provision of family housing in addition to the conversion of the former public house but a satisfactory design and layout solution has not been found to provide both on this site. The applicant has revised the scheme to provide both two and one bed flats. The density of development is now acceptable and the site is within easy access of public transport and, within the wider area, to local services such as health, leisure, education, shopping and employment. The proposal accords with Policies ST1, H2 and H3.

Issue (ii) Layout and Design (Policies BE2 and BE3)

- 7.3 The design of the new build has been influenced by that of the existing public house building. The use of brick with rendered sections and stone window detailing would reflect and complement the former pub. The scale and massing of the new development is in keeping with the character of the main public house building and with the houses to the rear on Wentworth Road which are also two storeys.
- 7.4 The provision of private gardens for two of the flats in the converted pub is welcomed and the amenity space for the new flats is secure and accessible. Bin storage is provided adjacent to the site entrance. A new tree is proposed at the southwest corner of the site adjacent to Hucknall Road and will add to the street scene. The proposed development, in terms of layout and design, is considered to comply with Policies BE2 and BE3.

Issue (iii) Impact on Neighbours (Policy BE3)

- 7.5 The new building is located 23m from the main rear elevation of the houses on Wentworth Road and this is considered an acceptable distance to protect privacy and to avoid overshadowing. The side elevation of the new building is 12m from the facing elevation of Haydn Court, and to its north; given that the new building has no habitable room windows in this side elevation, this is again considered to be acceptable. The building is some distance from houses on Leonard Avenue and no overshadowing would occur. The proposed development, in terms of impact on neighbours, is considered to comply with Policy BE3.

Issue (iv) Parking (Policies BE2 and T3)

- 7.6 The number of flats proposed has been reduced in the revised proposal so that off-street parking is now provided at one space per flat. Neighbouring residents' concerns about parking are understood, particularly as Leonard Avenue is already heavily parked. Given that this is a sustainable location close to amenities and on a good public transport route, it is considered that the revised parking provision at 100% is acceptable. The proposed development is therefore now considered to comply with Policies BE2 and T3.

Other Matters

- 7.7 Whilst a financial contribution for off-site open space would normally be required through a S106 Agreement, the applicant had submitted a viability statement to demonstrate that the scheme would not be viable if these contributions were required. This statement had been assessed and accepted.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 Whilst no specific features have been highlighted in the planning application, the new building would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. The use of sustainable urban drainage can be secured by condition. It is considered that this is sufficient to satisfy the requirements of Policy BE4.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: would provide good quality and sustainable residential development.

Safer Nottingham: 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: 14/00850/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N3PN17LY0H700>

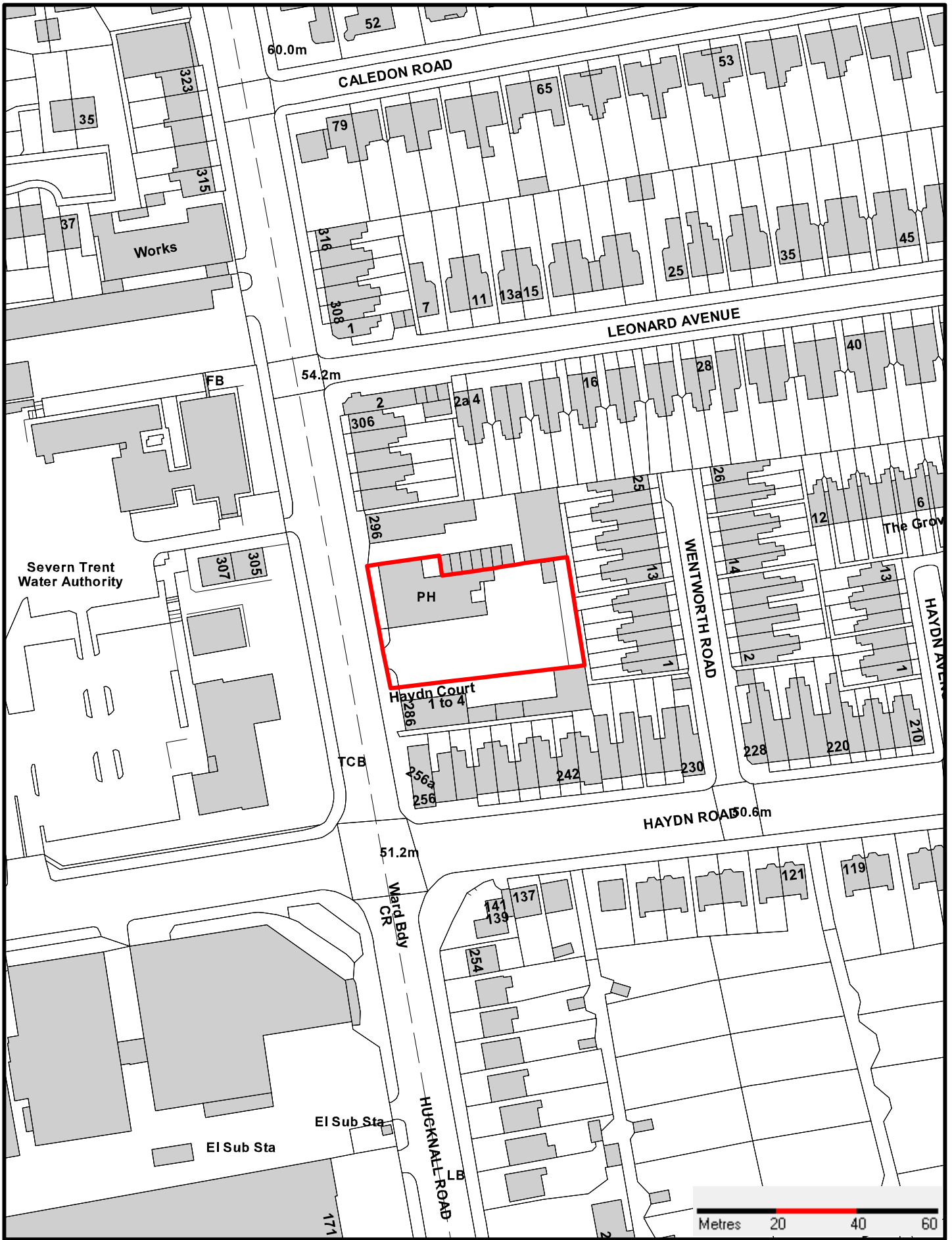
17 Published documents referred to in compiling this report

National Planning Policy Framework
Nottingham Local Plan (November 2005)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076



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My Ref: 14/00850/PFUL3

Your Ref:

Contact: Mr Phil Shaw

Email: development.management@nottinghamcity.gov.uk



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City Council**

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Tel: 0115 8764447
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Henry Mein Partnership
FAO: D B Johnson
12 Clarendon Street
Nottingham
NG1 5HQ

Date of decision:

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

Application No: 14/00850/PFUL3
Application by: Ackroyd Electrical Services Ltd
Location: 294 Hucknall Road, Nottingham, NG5 1FG
Proposal: Conversion of former pub to 7 flats and erection of 6 flats in car park (revised proposal).

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 the following have been submitted to and approved in writing by the Local Planning Authority:-
 - a) Details of the external materials of all buildings;
 - b) Details of the hard surfacing of all areas of the site which are not to be landscaped;
 - c) Details of the means of enclosure of the private amenity areas for the converted ground floor flats;
 - d) Details of the means of enclosure of the front boundary of the site, including the provision of defensible space between the converted flats and Hucknall Road.

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 Nottingham Local Plan.



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Not for issue

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Continued...

3. The development shall not be commenced until proposals for the sustainable urban drainage of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To reduce the risk of flooding in the interests of sustainable development in accordance with Policy BE4 of the Nottingham Local Plan.

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

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policies BE2 and NE9 of the Local Plan.

5. The development shall not be commenced until a detailed landscaping and planting scheme for the development indicating the type, height, species and location of proposed trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall, in particular, include a tree in the southwest corner of the site, as indicated on Plan 7023.02.07D. 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 BE5 of the Local Plan.

6. Notwithstanding any details shown on the submitted plans, the windows of the new buildings shall have reveals of not less than 70mm.

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

Pre-occupation conditions

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

7. No flat shall be occupied until the parking areas have been surfaced and the parking spaces marked out.

Reason: In the interests of highway conditions in the area in accordance with Policy BE2 of the Local Plan.

Regulatory/ongoing conditions

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

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

Reason: To ensure that the appearance of the development is satisfactory, in accordance with

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 29 May 2014.

Reason: To determine the scope of this permission.

Informatives

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

2. The 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.

3. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

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

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

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

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing
Periodic road cleaning

5. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail address.management@nottinghamcity.gov.uk; telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

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

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