



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 22 October 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

Governance Officer: Mark Leavesley **Direct Dial:** 0115 8764302

AGENDA

Pages

- | | | |
|----------|--|---------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTERESTS
If you need advice on declaring an interest in any item, please contact the Governance Officer above, if possible before the day of the meeting | |
| 3 | MINUTES
Last meeting held on 17 September 2014 (for confirmation) | 3 - 10 |
| 4 | PLANNING APPLICATIONS: REPORTS OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION | |
| a | Sites at Saffron Gardens, Beardsley Gardens, former Cromarty Court, Middle Furlong Gardens, Tarbert Close and Bosworth Walk
Planning permission for demolition of the existing buildings on each site and construction of a total of 54 new-build houses and bungalows | 11 - 28 |
| b | 31 Curzon Street and 24-34 St Marks Street
Planning permission for new student accommodation (198 units) with ancillary and communal facilities following demolition of existing buildings | 29 - 46 |

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| c | 2-28 and 179-217 Cranwell Road - site of
Planning permission for 20 new dwelling following demolition of the existing buildings | 47 - 64 |
| d | NCV Garage, Hucknall Road
Planning permission for a new food retail store with associated car parking, servicing and landscaping following demolition of existing building | 65 - 80 |

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 17 September 2014 from 2.30pm to 3.55pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Liaqat Ali
Councillor Cat Arnold (Vice Chair)
Councillor Graham Chapman
Councillor Alan Clark
Councillor Michael Edwards
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Ginny Klein
Councillor Sally Longford
Councillor Eileen Morley
Councillor Wendy Smith
Councillor Roger Steel
Councillor Malcolm Wood

Absent

Councillor Azad Choudhry

26 APOLOGIES FOR ABSENCE

Councillor Azad Choudhry - Personal

27 DECLARATIONS OF INTERESTS

(i) Agenda item 4b: Old Peacock Public House, Ilkeston Road – Planning application

Councillor Liaqat Ali declared an interest as a relative of the applicant. He considered that he should not participate in discussion or voting and left the room prior to consideration of the item.

(ii) Agenda item 6: Designation of a Neighbourhood Area and Neighbourhood Forum for Sneinton – Application for

Councillor Chris Gibson declared an interest as a Director of Nottingham City Transport (NCT) bus company and, as the existing depot site of NCT is included within the boundaries of the proposed Neighbourhood Area, he considered that he should not participate in discussion or voting and left the room prior to consideration of the item.

Councillor Gul Khan declared an interest as a member of the proposed Neighbourhood Forum. He considered that he should not participate in discussion or voting and left the room prior to consideration of the item.

28 MINUTES

The Committee confirmed the minutes of the meeting held on 20 August 2014 as a correct record and they were signed by the Chair.

29 WHITE HOUSE, BEECH AVENUE

Councillor Chapman was not present in the room for the start of this item and took no part in consideration of or voting on it.

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration on application 14/00712/PFUL3, submitted by Zenith Planning and Design on behalf of White House Limited, for the conversion of the existing factory to 48 one-bed and two-bed apartments, including external alterations to create 48 car-parking spaces.

Following comments from Councillors, officers confirmed they could secure by condition that the applicant:

- (i) submits a scheme of works for approval that deals with changes to the external fabric of the building, including cleaning if possible;
- (ii) ensures that any new windows are in keeping with the style of building;
- (iii) amends the design of the entrance lobby to ensure it is also in keeping with the style of the building.

RESOLVED

(1) to grant planning permission, subject to:

- (a) prior completion of a Section 106 Planning Obligation, including a financial contribution for the provision or improvement of open space or public realm, a contribution towards the provision of skills training and local employment and a financial contribution towards the provision of off-site affordable housing, to be made in the event of sales of the proposed flats exceeding an agreed amount;**
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice;**

(2) to delegate authority to the Head of Development Management and Regeneration to determine the final details of the terms of the Section 106 Planning Obligation and the conditions of the planning permission, to include, (i) to (iii) above;

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

30 OLD PEACOCK PUBLIC HOUSE, ILKESTON ROAD

Councillor Ali left the room prior to consideration of this item.

Rob Percival, Area Planning Manager, introduced a report Head of Development Management and Regeneration on application 14/01735/PFUL3, submitted by Zenith Planning and Design on behalf of Mr Habib Ali, for a revised scheme for conversion and extension, following part demolition, to the existing building to create a 56 bed-space student accommodation.

Councillors were supportive of the application but raised queries about the practicality of a small area of planting to the building frontage, the strength/prominence of the proposed entrance from Ilkeston Road, the need for the relevant external materials on the Ilkeston Road elevation to match those on the plinth of the existing building and that officers must ensure lighting on the 3rd floor, provided by roof lighting, was adequate.

In response, officers suggested the following amendments to the recommendations:

- (i) an additional recommendation that 'authority to approve any revisions to the 3rd floor layout plan are delegated to the Head of Development Management and Regeneration';
- (ii) an additional condition stating 'Notwithstanding the approved drawings, details of the entrance from Ilkeston Road within the glazed link to be submitted for the prior approval of the Local Planning Authority (with authority to approve delegated to the Head of Development Management and Regeneration).'

RESOLVED

(1) to grant planning permission, subject to:

- (a) prior completion of a Section 106 Planning Obligation, including a financial contribution towards the provision or improvement of open space or public realm and a student management agreement, including a restriction on car ownership;**
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice;**

(2) to delegate authority to the Head of Development Management and Regeneration to determine the final details:

- (a) of the Section 106 Planning Obligation;**
- (b) conditions of the planning permission, in particular concerning the details of the entrance from Ilkeston Road within the glazed link and any proposed revisions to, and final details of, the 3rd floor layout;**

(3) that Councillors are satisfied that Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 is complied with in that the planning

obligation sought is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

31 13 SHERWOOD RISE

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 14/01190/PFUL3, submitted by GraceMachin Planning and Property on behalf of Mr Andrew Muldoon, for erection of 12 one and two-bed apartments following demolition of the existing building. (This was, in effect, a reconsideration of an application reported to Planning Committee on 20 August 2014 in relation to which an administrative error had meant certain consultation responses had not been reported and commented upon).

Councillors were mindful that the application proposed construction of a new building in the Sherwood Rise Conservation Area but, having considered the character and appearance of the proposed building and the additional consultation responses, in particular those of the Nottingham Civic Society, the Committee concluded the development would enhance the character and appearance of the Area. The Committee also considered the concerns raised around the impact on residential amenity in terms of light and privacy but considered there would be no significant adverse impact.

RESOLVED

- (1) that due to an administrative error in the report considered at the 14 August 2014 meeting, the resolution of the Committee to grant planning permission, minute 23, be rescinded;**
- (2) to grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice;**
- (3) to delegate authority to the Head of Development Management and Regeneration to determine the final conditions of the planning permission.**

32 NOTTINGHAM CITY ALIGNED CORE STRATEGY: ADOPTION OF

Matt Gregory, Policy and Research Manager, introduced a report of the Director of Planning and Transport, detailing the work undertaken by the City Council, in partnership with Broxtowe and Gedling Borough Councils, to prepare Aligned Core Strategies for their combined area. It was stated that a Public Examination has been held and the Inspector's report concluded that, subject to the modifications previously consulted upon (except one relating to Gedling Borough), the Aligned Core Strategy was sound and, as such, it was formally adopted at a City Council meeting on 8 September 2014. A period of 6 weeks from adoption was now running, expiring on 26 October, in which any challenge to adoption could be made.

RESOLVED to note the adoption of the Aligned Core Strategy by Nottingham City Council and to record the thanks of the Committee to the officers involved with its creation.

33 DESIGNATION OF A NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM FOR SNEINTON: APPLICATION FOR

Councillors Gibson and Khan left the room prior to consideration of this item.

In the absence of Councillor Gibson, Councillor Arnold took the Chair.

Matt Gregory, Policy and Research Manager, introduced a joint report of the Corporate Director of Development and Growth and the Director of Planning and Transport informing the Committee that an application has been made for designation of a Neighbourhood Area and a Neighbourhood Forum in the Sneinton area.

It was stated that the Council must now publicise and seek views on the application in accordance with the Neighbourhood Planning (General) Regulations 2012 and, as such, a consultation period is running during 1 September to 13 October 2014 and the Committee's views on the applications are sought.

Following the consultation period, responses/comments will be compiled and a report submitted to Executive Board, which has discretion for determining the designation of both the Neighbourhood Forum and Area. If the Neighbourhood Forum and Area are designated, a Neighbourhood Plan would be prepared, which would be the subject of a further consultation.

During discussion, the following comments were made:

- (i) Councillors had concerns over the governance of the Forum and required clarification on its remit and constitution;
- (ii) the report stated that '2,000 flyers have been distributed' and, as the proposed Neighbourhood Area contained many more properties than this (both residential and business), the Committee asked how wide consultation on the establishment of the Area and Forum has been;
- (iii) the Committee questioned how the boundary for the Neighbourhood Area had been decided. It appeared large, included land the Committee considered to be of strategic importance to the City, and appeared to concern land that the committee considered would not be of direct relevance to the Forums' key concerns.

RESOLVED that

- (1) the application for a Neighbourhood Area and Neighbourhood Forum for Sneinton is noted;**
- (2) Committees finalised comments on the proposals will be compiled at a Working Group meeting, to which all Committee members will be invited by the Vice-Chair, and submitted as the Committee consultation response no later than 1 October 2014.**

NOTE: Subsequent to minute (2) above, the Working Group agreed the following as its response to the consultation:

REPRESENTATION OF PLANNING COMMITTEE

(Excluding Councillors Gibson and Khan, who have relevant interests)

APPLICATION FOR SNEINTON NEIGHBOURHOOD FORUM AND AREA

The Planning Committee wishes to make representations on the application for the designation of a Sneinton Neighbourhood Forum and Area. These representations are grouped under four headings, as follows:

1 Status of the Forum

The status of the prospective Forum is unclear, in particular with regard to how far it is representative of the proposed area as a whole.

There is no clarity about the purpose of the proposed Neighbourhood Plan, or what issues it is seeking to address.

2 Governance of Group

Some individuals listed as members of the Forum have confirmed that they are not actually members.

Not clear that adequate safeguards exist to prevent conflict of interest between Forum members and the proposed Neighbourhood Plan.

3 Boundary of Area and Strategic Sites

The proposed area is very large to be considered a 'neighbourhood'.

The boundary appears to be arbitrary and area includes some areas that are not well related to Sneinton, such as the inclusion of the whole of Colwick woods, much of which relates to other neighbourhoods, such as Bakersfield.

The proposed area includes a number of strategic sites in the City Centre and elsewhere that are considered to be Strategic Sites (for instance the Bus Depot). The future of these sites will have City-wide implications, and it is important that their development is not fettered by local issues.

Where the actual boundary sits will be important for matters such as highway/transport improvements, ie whether is it back of pavement, front of pavement or middle of the road.

The boundary includes areas which serve a City-wide function, such as Sneinton Market. The whole City has an interest in the future of such areas.

4 Quality of Consultation Undertaken by Forum

Planning Committee - 17.09.14

Several key local residents groups were unaware of the proposals, and had no previous contact with the prospective Neighbourhood Forum.

Not clear that local businesses had been engaged in the process thus far.

There is the potential for conflict of interest between the Creative Quarter and the Neighbourhood Plan.

The prospective Forum claim to have circulated 2,000 leaflets within the area, however it is noted that the area contains considerably more addresses than this.

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WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
22nd October 2014

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site At Saffron Gardens And Beardsley Gardens And Site Of The Former Cromarty Court (Site A), Site At Middle Furlong Gardens (Site B), Site At Tarbert Close (Site C) And Bosworth Walk (Site D),

1 SUMMARY

Application No: 14/02092/PFUL3 for planning permission

Application by: Arcus Consulting LLP on behalf of Nottingham City Homes

Proposal: Demolition of existing units on site and construction of 54 new build houses and bungalows

The application is brought to Committee because it is a major development where there are complex design considerations.

To meet the Council's Performance Targets this application should be determined by 3rd December 2014.

2 RECOMMENDATION

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

The site consists of four separate areas containing 66 dwellings, which are mainly 3 and 4 storey maisonettes and flats in the Meadows West area to the east of Meadows Way. These comprise:

Site A: Properties on Saffron Gardens, Crammond Close and Risley Drive. The northern section of this site currently contains 35 dwellings. The properties are 3 and 4 storey terraced, linked blocks. There is an area of cleared land between the properties and Risley Drive to the south which was formerly Cromarty Court.

Site B: 14 dwellings on Middle Furlong Gardens which are 3 and 4 storey terraced, linked blocks.

Site C: 11 dwellings on Tarbert Close which are 3 and 4 storey terraced, linked blocks.

Site D: 6 dwellings on Bosworth Walk which are 3 and 4 storey terraced, linked

blocks.

4 DETAILS OF THE PROPOSAL

- 4.1 This is a full planning application submitted by Nottingham City Homes (NCH). It seeks permission for the redevelopment of four sites following the demolition of the existing dwellings. The proposed development comprises a total of 54 new dwellings which are a mix of two storey, two and three bedroom detached, semi detached and terraced family houses, and two bedroom bungalows.
- 4.2 The redevelopment of Site A proposes the extension of the existing cul de sac serving Saffron Gardens to link it to Beardsley Gardens. The scheme comprises street frontage development which would be accessed from the new road and from the existing roads serving Crammond Close and Risley Drive. The dwellings proposed in this area comprise 6 bungalows and 28 two-storey primarily semi-detached houses. Each dwelling would have one in plot car parking space either at the side or the front of the house. The new road proposed as part of the scheme also provides the opportunity for some of the existing properties on Crammond Close to be provided with an in plot car parking space.
- 4.3 The redevelopment of Site B on Middle Furlong Gardens would comprise 3 bungalows and a pair of semi detached two storey houses. Each dwelling would have one in plot car parking space at the front of the house.
- 4.4 The redevelopment of Site C on Tarbert Close would comprise two pairs of semi detached houses and a terrace of three, all to be two storey. Five of the dwellings would have in plot car parking at the front of the house. The remaining two would have the use of a small parking area to be constructed at the head of the existing cul de sac.
- 4.5 The redevelopment of Site D proposes the creation of a new length of highway which would connect Thrumpton Drive and Ainsworth Drive. The intention is that the new length of road would have a Home Zone type treatment which, by its design and choice of materials, would ensure that priority is given to pedestrians and cyclists. A terrace of eight two storey houses is proposed, each of which would have in plot parking located at the front, accessed from the new length of road.
- 4.6 It is the intention that the houses will meet the Code for Sustainable Homes Level 4 and the Lifetime Homes Standard.
- 4.7 Employment opportunities would be created in the construction phase of the development. The developer is committed to working with the Council's Employment and Skills team to deliver the opportunities for local people.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by site notices and advertisement in the local newspaper. The applicant's have also held a number of community consultation events for existing nearby residents prior to the applications being submitted.

The following properties have been notified of the planning application directly:
1 -17 Hope Close

1 -24 Crammond Close and Meadows Police Station
1 -15 (odds) Castleton Close
31 -61 Beardsley Gardens
1 – 23 Middle Furlong Gardens
6 and 7 Middle Furlong Mews
1 – 2 Lybster Mews
1 - 3 Lothmore Court
37 -40 Kelso Court
1 – 31 Bosworth Walk
Clifton Colliery Miners Welfare Ainsworth Drive
1 – 4 Hawthorn Court, Thrumpton Drive
10 -28 (evens) Meredith Court
2 - 10 Barra Mews
20 - 40 Hawthorn View
1 -22 Tarbert Close
13 -44 Saffron Gardens

In response three comments have been received from nearby residents raising the following issues: disruption, particularly during the demolition period; particular concerns about noise pollution, dust and disturbance during the demolition period; objection to the proposed new access road between Saffron Gardens and Beardsley Gardens as this will increase traffic flow through Saffron Gardens turning a safe area into a potentially dangerous one.

Additional consultation letters sent to:

Highways: No objection. Recommend conditions requiring a construction method statement, the submission of detailed highway design matters and the proposals for the disposal of surface water. In particular further details are required to understand the treatment of various vehicular access routes including the treatment of the through route to Hope Close from Saffron Gardens and the accesses for Ainsworth Drive and Thrumpton Drive. Seeking assurance that the pedestrian and cycling routes through the finished development will link in to the existing provision.

Noise and Pollution Control: No objection. Require conditions to address potential contamination for all sites. Specifically identify that where existing trees are to be retained in soft landscaped areas within the garden/curtilage of the dwellings further testing around the root protection zone is required to determine if/what remediation is necessary.

Tree Officer: No objection. Requires an arboricultural method statement to be submitted which covers both the demolition and the construction phases. Further clarity required about the number of trees which would need to be removed.

Environment Agency: No objections. Recommend conditions requiring that the development be carried out in accordance with the approved Flood Risk Assessment, the submission of details of the disposal of surface water, based upon sustainable drainage principles and addressing any contamination which may be found to be present on the site

Biodiversity and Greenspace Officer: No objections. Recommends that the development should include bat sensitive lighting, the erection of bat and bird boxes, the provision of hedgehog boxes and that the landscaping should include native species planting.

Housing Strategy: No objection. Satisfied with the type, tenure and location of this proposed scheme.

Notts Wildlife Trust: No objection. The submitted reports make recommendations with regard to protection of ecological features as well as opportunities to make enhancements to the biodiversity value of the site. The NWT are supportive of these recommendations which should assist in achieving a net gain in biodiversity. Recommend conditions be imposed to secure the main enhancements identified.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 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, to encourage the effective use of land by reusing land that has been previously developed (brownfield land), and by supporting the transition to a low carbon future.
- 6.2 Paragraph 60 of the NPPF advises that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. Paragraph 63 adds that great weight should be attributed to outstanding or innovative designs.
- 6.3 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities

H2 – Density

H5 - Affordable Housing

R2 - Open Space in New Development

NE3 – Conservation of species

NE5 – Trees

NE12 - Derelict and Contaminated Land

NE14 - Renewable Energy

T3 - Car, Cycle and Servicing Parking

T12 – Public rights of way

Aligned Core Strategy (ACS) (September 2014)

The Nottingham City Core Strategy was formally adopted by the council on 8th September 2014. The following policies are considered relevant:

Policy 1 Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 –Managing Travel Demand

Policy 17 - Biodiversity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

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

(i) Principle of the development and the appropriateness of the mix of house types and tenure (Local Plan policies ST1, H2 and H5 and ACS policy 8)

- 7.1 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 and affordable housing if required.
- 7.2 This 100% affordable 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 more sustainable communities. The scheme replaces the 1 and 2 bed flats which are currently on the two sites with a mixture of houses and bungalows and thereby diversifies the range of housing types in this area. Additionally, the development is located in a sustainable location, close to local facilities and public transport. It therefore accords with Policies ST1, H2 and H5 of the Local Plan and ACS policy 8.

(ii) Layout and design considerations (Local Plan policies NE5 and T3 and ACS policy 10)

- 7.3 Local Plan policies, the ACS and the NPPF all recognise the importance of design in making places better. The NPPF advocates the achievement of high quality and inclusive design for all development, including individual buildings, public and

private spaces and wider area development schemes. It also states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.

- 7.4 The proposed layout for all four sites is in the form of dwellings with street frontages to provide a clear definition between the public and private realm throughout. This frontage development will introduce casual surveillance of the street and it is considered the scheme cumulatively will significantly improve community safety in the area when compared to the current layout. The majority of the dwellings will have an off street car parking space and the front garden which will be enclosed. Details of the enclosure will be secured by condition.
- 7.5 The elevational treatment of the dwellings together with the palette of materials, will create a clear and straightforward architectural language. The proposed materials for the new houses, which would be a mix of red and buff bricks and render panels, are considered to be appropriate. The palette of materials is used in a number of ways to provide variety in the streetscene and deep reveals to the windows will provide depth and articulation.
- 7.6 Bin storage, including waste recycling provision, and secure cycle storage will be provided to the rear of the houses.
- 7.7 It is anticipated that the completed housing scheme will achieve a green 'Building for Life' standard.
- 7.8 Overall, the layout and design of the four sites is considered to be a welcome improvement to the area and would therefore accord with Local Plan policies NE5 and T3 and policy 10 of the ACS.

(iii) Highway considerations (Local Plan policies T3 and T12 and ACS policy 14)

- 7.9 The layouts for the four sites have been designed to create dwellings with pedestrian and vehicular access being from the front of each property. Car parking would be provided largely on plot at the front or side of the dwellings and the overall provision is considered to be acceptable given the proximity of the development to bus services and NET Phase 2. There are a number of detailed highway matters to be resolved and these can be satisfactorily addressed by condition and through the Highways Act S.278 Agreement.
- 7.10 The proposals will affect a number of existing public rights of way which cross the sites and the process of these being stopping up under the Town and Country Planning Act 1990 has already commenced. The most notable change is the closure of the existing footpath/cycle route along part of Bosworth Walk and its replacement with a length of highway which will connect Thrumpton Drive and Ainsworth Drive. This proposed design adopts Home Zone principles which will create a separate route for pedestrians and cyclists that will connect to the existing network. Overall, it is considered that the proposed layouts for the four sites will result in adequate provision of public rights of way through the new development.
- 7.11 The development therefore accords with Local Plan policies T3 and T12 and ACS policy 14.

(iv) Impact on residential amenity (ACS policy10)

- 7.12 The proposed layouts for the four individual sites have been designed to take into account the existing residential properties which abut the sites, to ensure that there would be no adverse impact upon the amenities of nearby existing residents or future occupants of the new development in terms of light, outlook and privacy.
- 7.13 The comments of the local residents concerning disruption during the demolition period are noted and have been relayed to Nottingham City Homes. Hours of working are specified by Noise and Pollution Control will be included as an informative on the decision notice. With regard to the concern expressed by one occupier of Saffron Gardens in relation to the creation of a through route to Beardsley Gardens, it is considered that the new road enables the new development to address the street frontage and to overcome issues relating to community safety and the lack of legibility associated with the existing layout. It is acknowledged that this will result in more vehicle movements on Saffron Gardens but the new road has been designed to ensure that vehicle speeds will be low and pedestrian safety should not be compromised.
- 7.14 It is therefore considered that the development would comply with ACS policy 10.

(v) Section 106 considerations (Local Plan policies R2 and H5)

- 7.15 As there will be a greater number of units decommissioned than replaced this development will not place an additional pressure on open space or education provision in the area. Planning obligations in relation to these matters will therefore not be required.
- 7.16 The proposal involves the demolition of existing housing stock and its replacement with a new higher quality scheme of social housing on a site to be developed solely for affordable housing which is secured under the land development agreement with the City Council. Therefore the Affordable Housing policy which usually secures a minimum 20% Affordable Housing through a planning obligation will not be required in this instance.

8 SUSTAINABILITY / BIODIVERSITY (Local Plan policies NE3, NE5 and NE14 and ACS Policies 1, 10 and 17)

- 8.1 The developments have been designed to meet the requirements of Code for Sustainable Homes Level 4. This requires a 25% improvement on carbon savings over the Building Regulations Part L.
- 8.2 The scheme proposes the retention of the main trees of high amenity value and the planting of further trees which will be predominantly native species.
- 8.3 The Biodiversity and Greenspace Officer and the Notts Wildlife Trust have both identified the potential to improve the biodiversity of the four sites by the inclusion of a number of different enhancement measure within the scheme. It is recommended that the details of these be secured by condition.
- 8.4 Local Plan policies NE3, NE5 and NE14 and ACS policies 1, 10 and 17 are therefore satisfied.

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 –Redeveloping of a brownfield site to deliver a high quality, sustainability-led, family housing scheme.

Safer Nottingham – Improved security, legibility and natural surveillance.

14 CRIME AND DISORDER ACT IMPLICATIONS

The scheme will provide improved surveillance and community safety in the area.

15 VALUE FOR MONEY

None.

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

Application No: 14/02092/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NAYUXALYCB000>

Highway comments dated 17.09.2014

Email from Noise and Pollution Control dated 18.09.2014

Email from Tree Officer dated 18.09.2014

Email from Biodiversity and Greenspace Officer dated 16.09.2014

Letter from Notts Wildlife Trust dated 24.09.2014

Comments from four local residents

17 Published documents referred to in compiling this report

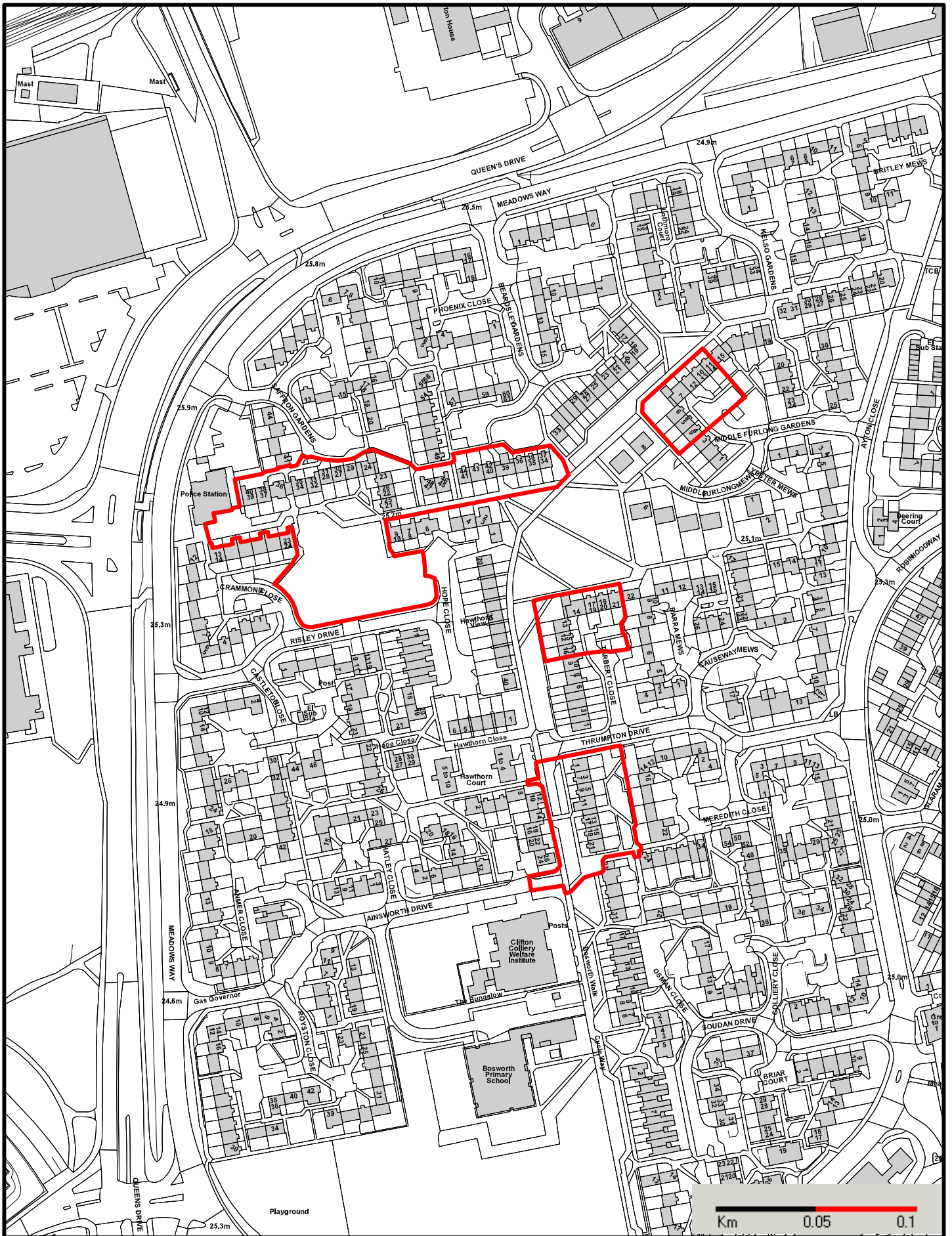
Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Contact Officer:

Mrs Janet Keble, Case Officer, Development Management.

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



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My Ref: 14/02092/PFUL3 (PP-03612119)
Your Ref:
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Email: development.management@nottinghamcity.gov.uk



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Tel: 0115 8764447
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Arcus Consulting LLP
Mr Bobby Chakravarthy
4 Mariner Court
Calder Park
Wakefield
WF4 3FL

Date of decision:

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

Application No: 14/02092/PFUL3 (PP-03612119)
Application by: Nottingham City Homes
Location: Site At Saffron Gardens And Beardsley Gardens And Site Of The Former Cromarty Court (Site A), Site At Middle Furlong Gardens (Site B), Site At Tarbert Close (Site C) And Bosworth Walk (Site D), ,
Proposal: Demolition of existing units on site and construction of 54 new build houses and bungalows

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 take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- (i) Vehicular access to the site;
 - (ii) The parking of vehicles of site operatives and visitors;
 - (iii) Loading and unloading of plant and materials;
 - (iv) Storage of plant and materials used in constructing the development;
 - (v) Wheel washing facilities;
 - (vi) Measures to control the emission of dust and dirt during construction.

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

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.

3. The highway related works shall not be commenced until the following have been to and approved in writing by the Local Planning Authority:

(a) details of the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II Safety Audit;

(b) details of dropped kerbs and ramps, suitable for wheelchairs and prams to be provided at the time of development in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings.

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

Reason: In the interests of highway safety and to ensure a satisfactory layout in accordance with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.

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 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.

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 a drainage scheme for the disposal of surface water, to include the use of sustainable urban drainage measures, has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.

9. The development shall not be commenced until details of the areas to be hard landscaped, including the proposed parking areas and access road which should be of permeable materials, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

10. The development shall not be commenced until details of enclosure for the site boundaries and individual plots have been submitted to and approved in writing with the Local Planning Authority.

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

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy..

11. The development shall not be commenced until a scheme to achieve a minimum of 10%

reduction in carbon emissions over and above the Building Regulations 2010 parts L1A and L1B, has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In order to ensure that these measures are incorporated into the approved development and, therefore, in the interests of the sustainable development of the site in accordance with Policy NE14 of the Local Plan and Policy 1 of the Aligned Core Strategy.

Pre-occupation conditions

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

12. Prior to the first occupation of any phase of the development, the following (for that phase) 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.

13. No phase of the development shall be occupied until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs for that phase, 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 NE5 of the Local Plan and Policy 10 of the Aligned Core Strategy..

14. No dwelling shall be occupied until the site boundary and boundaries relevant to that individual plot have been enclosed in accordance with the approved details.

Reason: In the interests of the occupiers of nearby property in accordance with Policy 10 of the Aligned Core Strategy.

15. No dwelling shall be occupied until bin storage for that individual dwelling has been provided in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

16. No dwelling in any phase shall be occupied until the measures approved in relation to Condition 11 for that phase have been installed and, where relevant, are able to provide renewable/low carbon energy to serve the development.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policy NE14 of the Local Plan and Policy 1 of the Aligned Core Strategy.

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

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

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

18. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and 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 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 removed, uprooted or 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 3 September 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. Highway related

1) 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.

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

3) The right to charge commuted sums is reserved in respect of ongoing maintenance where the materials used for adopted highway are above and beyond what is required for the safe and satisfactory functioning of the highway. Commuted sums for trees planted within the highway are required, (costs for these vary) as well as materials used for traffic calming schemes such as the raised platform at the junction. For further information regarding the collection of commuted sums the applicant should contact Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293.

4) Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss requirements to satisfy the condition related to drainage.

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

6) The redundant footway crossings and/or damaged or altered areas of footway or other highway shall be re-instated.

7) The applicant is strongly advised to contact John Lee to discuss Public Right Of Way on 0115 8765246.

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.

RIGHTS OF APPEAL

Application No: 14/02092/PFUL3 (PP-03612119)

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: St Anns

Item No:

**PLANNING COMMITTEE
22nd October 2014**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

31 Curzon Street And , 24-34 St. Marks Street

1 SUMMARY

Application No: 14/01925/PFUL3 for planning permission

Application by: GMA Architecture Ltd on behalf of Globalcove Ltd

Proposal: New student accommodation (198 units) with ancillary and communal facilities following demolition of existing buildings.

The application is brought to Committee because it is for a major development on a prominent site providing a significant number of student apartments.

To meet the Council's Performance Targets this application should be determined by 17th November 2014

2 RECOMMENDATIONS

2.1. **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 £79,724.70 towards the upgrade or improvement of open space or public realm within the city centre.
- ii) A student management agreement including a restriction on car ownership.

(b) the 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.

2.2 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 The application site is located to the east of the city centre and falls within the Eastside Regeneration Zone. The site has three frontages onto St. Mark's Street, Curzon Street, and Curzon Place. The site falls from its highest level on St. Mark's Street to a lower level on Curzon Place, a difference of approximately 2.50 metres.

- 3.2 The site is currently developed with three buildings: a two-storey flat roofed brick built office/warehouse with a frontage onto St. Mark's Street; a single storey brick built light industrial building with a gable and tall shuttered opening onto St. Mark's Street; and a double height single storey building in orange and blue profiled metal sheeting at the end of the site with frontages to St. Mark's Street, Curzon Street and Curzon Place. There is also a secured compound area to the rear of the buildings onto Curzon Place.
- 3.3 The site adjoins other similar buildings on St. Mark's Street. Opposite is a three-storey light industrial premises and recent four-storey student accommodation development named 'Six Degrees'. Opposite on Curzon Street is a cul-de-sac development of houses and apartments on Booth Close and Victoria Hall student accommodation. On Curzon Place, the site adjoins the rear car park of the Staples store, which fronts onto Huntingdon Street. The rear of Islamic Centre is opposite.
- 3.4 The application site had previously been included as part of the proposed comprehensive redevelopment of the larger block that stretched the full length of St. Mark's Street and also included the Staples store and car park onto Huntingdon Street. Referred to as 'The Lighthouse', the planning application for the high density apartments and retail redevelopment of the block received a resolution to grant planning permission in May 2007, but was not concluded and was subsequently treated as disposed (07/00424/PFUL3). This scheme proposed the four/five storey development of the St. Mark's Street/Curzon Street/Curzon Place frontages.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposed student accommodation building would have a 'U-shaped' plan, derived from a layout that follows the street frontages of the site. The principal entrance to the building is located at the corner of St. Mark's Street with Curzon Street. From this point there are two wings of accommodation that stretch along the lengths of the site onto St. Mark's Street and Curzon Place. The wings enclose an external courtyard space that is provided to the rear of the accommodation.
- 4.2 The accommodation is laid out over a total of seven floors, including a basement and lower ground floor which would accommodate services and various social spaces and including, meeting rooms, games rooms, a cinema room, a prayer room, a squash court, and a gym. There is a primary manned reception space at upper ground floor level, which is raised above street level, plus student accommodation at this level and on four floors above. There are a total of 198 proposed studio bedrooms, comprising 178 single rooms and 20 double rooms. In addition to the kitchen facilities within each studio bedroom there are large communal lounges and kitchen/dining rooms at each level.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

16, 16A, 18, 23, Six Degrees, St. Mark's Street
20 – 28(e) Union Road
1 – 5 (consec.), 39 – 44 (consec.) Booth Close
Staples, Huntingdon Street
Gala Club, St. Anns Well Road
Victoria Hall, Curzon Street

The application has also been advertised by site and press notices. There have been no neighbour responses received at the time of completing this report.

The applicant has also undertaken their own consultation, including an exhibition of plans at the existing premises on the 15th and 16th September. It is reported that the exhibition was attended by 7 people who generally gave a positive response to the proposals and regeneration of the area.

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions including noise assessment, air quality management, and remediation strategy to deal with risks with ground and ground water contamination.

Highways: No objection subject to conditions including construction management and reinstatement of redundant cross-overs to footway.

Urban Design: The five storey building is welcomed in an area of the city characterised primarily by higher buildings. The site currently, however, comprises of low quality one and two storey buildings. The proposed elevations are of a high quality with interest achieved primarily with the use of deeply recessed as well as protruding windows. The large glazed elevation on Curzon Street adjacent to the entrance also adds to the building's interest and helps to announce the entrance. The clearer recessed storey is of an appropriate scale and also contributes to its interest. The additional street trees will help soften the street which is currently bereft of greenery.

Nottingham Civic Society: Objection. Design does not respond to the sloping nature of the site. Its architecture presents a monolithic block which exposes its 'basement' service functions to the street. The design creates no activity or the possibility of casual surveillance from any ground floor spaces on its southern elevation, such that Curzon Place is not overlooked to the detriment of community safety. This development would have been a good opportunity to improve levels of activity in Curzon Place which does not benefit from entrances or existing ground floor windows. If the building had been designed to 'step down' the slope, its southern elevation could have contained the same level of activity achieved for the other two street frontages, making likely a much more successful contribution to community safety and integration locally.

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 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

E4 - Previously Used Employment Sites. Complies

H6 - Student Housing. Complies

NE9 - Pollution. Complies

NE12 - Derelict and Contaminated Land

R2 - Open Space in New Development. Complies

T3 - Car, Cycle and Servicing Parking. Complies

Aligned Core Strategy (ACS) (September 2014)

Policy A - Presumption in favour of sustainable development. Complies

Policy 1 - Climate change. Complies

Policy 7 - Regeneration. Complies

Policy 10 – Design and Enhancing Local Identity. Complies

Other Planning Guidance

Nottingham City Centre Urban Design Guide

Eastside Regeneration Area Interim Planning Guidance

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments

7. **APPRAISAL OF PROPOSED DEVELOPMENT**

Main Issues

- (i) Use for student accommodation and impact on the amenities of neighbouring occupiers
- (ii) Scale and design of proposed development.

Issue (i) Use for student accommodation and impact on the amenities of neighbouring occupiers (Policies E4 and H6 and ASC Policy 7)

- 7.1 The application buildings have been vacant for several years. It is considered that there is limited prospect of them being reused/re-let for business use and that the loss of this limited floorspace would not affect the supply of alternative sites or premises for employment use. It is therefore considered that the proposed alternative student accommodation use accords with Policy E4 of the Local Plan.
- 7.2 St. Mark's Street is conveniently located within a short walking distance of Nottingham Trent University campus and the city centre amenities. It falls within the Eastside Regeneration Zone where, in accordance with the Building Balanced Communities Supplementary Planning Document, the further provision of purpose built and managed student accommodation is to be encouraged subject to the consideration of the proposal on its merits. Whilst having been adopted in 2004, the Eastside Regeneration Interim Planning Guidance also identifies the opportunity for a possible 'student village' to the east of the Victoria Centre.
- 7.3 It is considered that the provision of good quality purpose built accommodation in this location will attract students that could otherwise occupy houses of multiple occupation outside of the city centre. Consequently, it is considered that the proposed student accommodation use accords with the Building Balanced Communities Supplementary Planning Document, the Eastside Regeneration Interim Planning Guidance, and Policy H6 regarding the location of student accommodation development and Policy 7 of the Adopted Core Strategy.
- 7.4 Whilst there are proximate residential properties on Booth Close, this is an inward looking cul-de-sac and it is not considered that the physical relationship of the proposed development would impact directly on the amenity of occupants of these properties.
- 7.5 There are existing student accommodation developments immediately opposite on St. Mark's Street (Six Degrees) and on Curzon Street (Victoria Hall), with the larger Glasshouse student accommodation development also on Union Road. There are no known issues with the operation of these managed developments.
- 7.6 A student management plan has been submitted with the application and is to be incorporated into the S106 agreement as part of any consent. It is considered that appropriate measures have been identified within the student management plan to minimise any impact of the student accommodation use on the local community in accordance with Policy H6. The student management plan includes a commitment to work proactively with the local community, including reference to the establishment of a community liaison group and circulation of a point of contact for

the reporting of any instances of disturbance caused by occupiers of the accommodation.

Issue (iii) Scale and design of proposed development (ACS Policy 10)

- 7.7 The general scale of development in the area varies from the relatively low rise older factory and warehouse buildings on St. Mark's Street, to the much taller and massive recent buildings such as The Glasshouse and Litmus buildings. This varying scale reflects the on-going transition of the area through regeneration and appreciation that the area is capable of accommodating buildings of a greater size than those at present (City Centre Urban Design Guide).
- 7.8 The application site is located at the fringe of the Eastside Regeneration Zone, which borders the lower rise residential area of St. Ann's. The strategy for building heights in this area recognises that new developments should be reduced along the residential fringe. It is considered that the proposed development has acknowledged this strategy and it is considered that a four-storey building with a fifth storey set-back level would be appropriate to its local context and corner position. This height is also generally consistent with the recent development of the Six Degrees student accommodation development on the opposite corner of St. Mark's Street / Curzon Street.
- 7.9 The layout of the proposed development recognises that the primary aspect of the development should be towards the adjoining streets. The building has been positioned about half a metre back from the footway to ensure amenity for future occupants on the ground floor. The courtyard space to the rear provides sunlight and daylight into the rear of the development and an appropriate aspect from the bedrooms as well as providing a private external area for use by future residents. Room sizes are good and are consistent throughout the building. Communal areas and student facilities within the building are also generous. It is considered that the layout of the building will provide a strong definition to its three street frontages and is appropriate to the regeneration of the area.
- 7.10 The primary material for the building is a red brick, with a blue brick also being used to define the building's plinth. Window openings are tall and narrow, with deep reveals providing appropriate modelling to the façade. The regular arrangements of window openings to the street elevations are also broken with the use of staggered projecting bays which span two floors. These elements are to be clad in verdigris (green) copper, which will match the cladding around to the principal corner entrance and set-back upper floor. The elevations to St. Mark's Street and Curzon Place also include full height stair cores which provide a strong vertical element and appropriate visual break along the length of these elevations.
- 7.11 Appropriate emphasis is placed on the design of the corner with St. Mark's Street and Curzon Street. This fully glazed circulation core announces the entrance into the building and also will provide animation to the area in the evening when illuminated by internal lighting.
- 7.12 In response to the comments of Nottingham Civic Society, the lower ground floor of the building to Curzon Street includes necessary servicing access to refuse/recycling storage areas, a large secure cycle parking area, and a limited number of car parking spaces. Whilst it is accepted that this does not provide an active frontage at this level, the street will be overlooked by the four/five levels of accommodation above. Louvers will screen the servicing elements from view on

Curzon Place, which is not a primary pedestrian route through the area. A revision to this frontage of the proposed development now provides street trees within a widened footway, which will be beneficial to the amenity of the area and views towards this corner of the building from Curzon Street.

- 7.13 Subject to conditions to ensure the quality of construction, it is considered that the design of the proposed development is appropriate to the site and area in accordance with Policy 10 of the Adopted Core Strategy.

Other Matters (Policies NE9, NE12, R2 ACS Policy 16 (2) (c) and T3)

- 7.14 In accordance with Policy R2, ACS Policy 16 (2) (c) and the Planning Guidance for the Provision of Open Space Within Developments SPG a financial contribution of £79,724.70 towards the upgrade or improvement of open space or public realm within the city will be secured under a Section 106 planning obligation. The characteristics of the site and surrounding area preclude the creation of new publicly accessible open space.
- 7.15 Highways have no objection to the proposed development subject to conditions, including construction management and reinstatement of redundant cross-overs to footway, which have been included in the draft decision notice. It is, therefore, considered that the proposed development accords with Policy T3.
- 7.16 Pollution Control advise that they have no objection subject to conditions relating to noise assessment, air quality management, and remediation strategy to deal with risks with ground and ground water contamination. In accordance with Policies NE9 and NE12, it is therefore recommended that conditions are attached to a consent.
- 7.17 Provision for local employment and training during the construction and operation of the development is also to be included in the Section 106 agreement, having been offered by the applicant.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1)

- 8.1 The application submission includes a Sustainable Energy report. The report advises that proposed connection to District Heating will provide a 53.7% reduction in carbon emissions. The flat roof areas of the building are also to be covered in a sedum system to enhance biodiversity. Subject to planning conditions requiring the implementation of these measures it is considered that the proposed measures accord with Policy 1 of the Adopted Core Strategy.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Providing a high quality and sustainable development.

Working Nottingham: Securing training and employment for local citizens through the construction of the development.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 14/01925/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9Z7K0LYCB000>

2. Pollution Control, 4.9.14

3. Highways, 12.9.14

4. Nottingham Civic Society, 4.9.14

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Nottingham City Centre Urban Design Guide

Building Balanced Communities Supplementary Planning Document

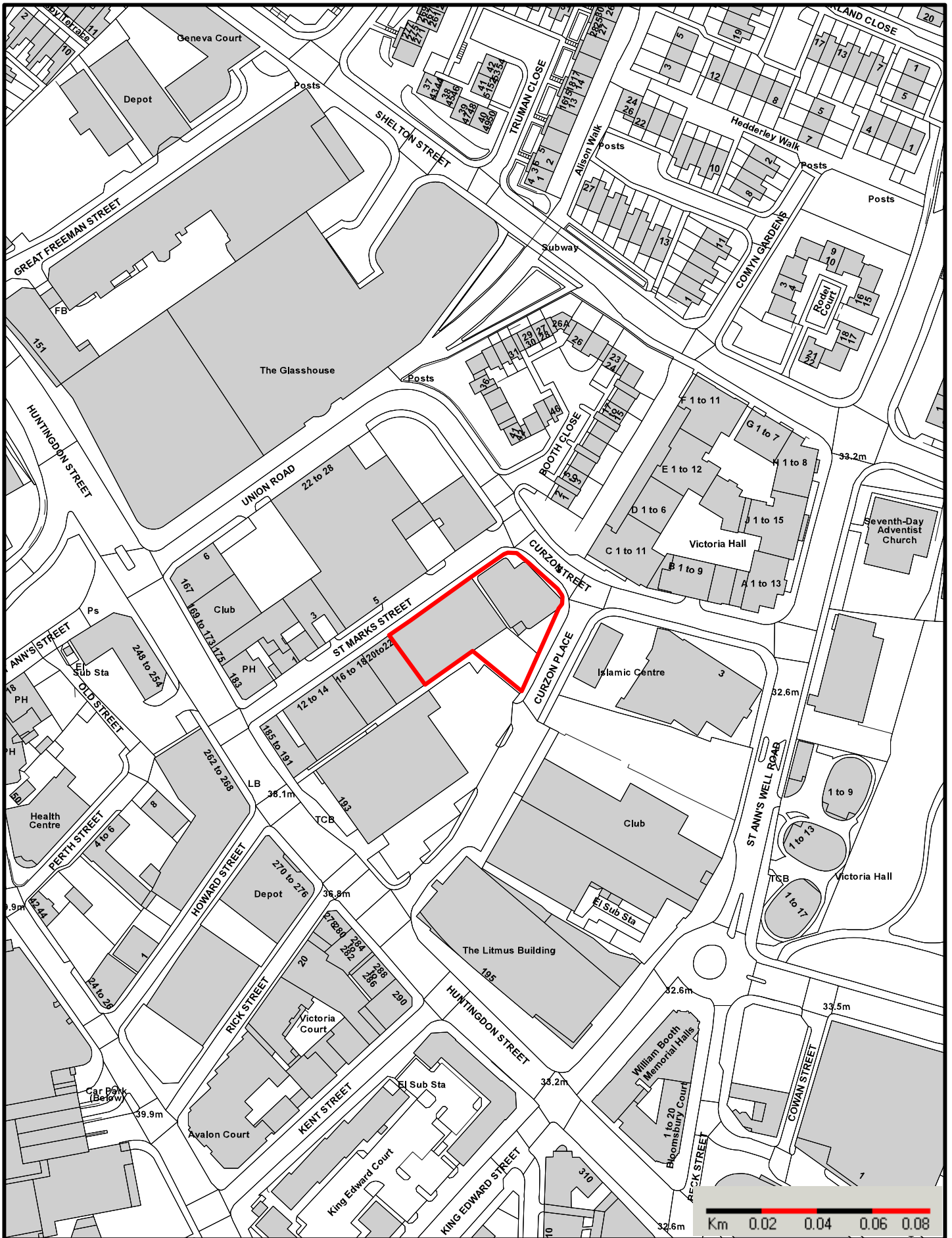
Planning Guidance for the Provision of Open Space Within Developments

Supplementary Planning Guidance

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074



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My Ref: 14/01925/PFUL3 (PP-03581981)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

GMA Architecture Ltd
FAO: Mr Ian Laverick
UK House
82 Heath Road
Twickenham
Surrey
TW1 4BA

Date of decision:

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

Application No: 14/01925/PFUL3 (PP-03581981)
Application by: Globalcove Ltd
Location: 31 Curzon Street And , 24-34 St. Marks Street, Nottingham
Proposal: New student accommodation (198 units) with ancillary and communal facilities 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. Prior to the commencement of the development, 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 Site Investigation, based on the Preliminary Phase 1 Report undertaken by CET, 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, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), 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 neighbours in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.

4. Other than the demolition of the existing buildings, no development shall 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 take into account the impact of road traffic noise and 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 L_{Amax}(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).

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.

5. Other than the demolition of the existing buildings, no development shall commence until an air quality management scheme has been submitted to and be approved in writing by the Local Planning Authority.

The scheme shall include whole building ventilation, and design techniques and/or other physical measures which reduce the exposure of future residents to poor air quality.

The air quality management scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: The application site falls within an Air Quality Management Area for nitrogen dioxide declared by Order. Therefore, in order to ensure that the occupants of the approved development are not exposed to elevated levels of nitrogen dioxide in accordance with Policy NE9 of the Nottingham Local Plan.

6. Other than the demolition of the existing buildings, no development shall commence until further information regarding the disposal of surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the drainage section of the Highway Authority. The information shall detail as a minimum seek to demonstrate how they will reduce the run-off rates by 30% by the use of green roofs, soakaways, SUDs and permeable materials.

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.

7. Other than the demolition of the existing buildings, the development shall not be commenced until samples of the external materials to be used in the construction of the approved building have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and to comply with Policy 10 of the Adopted Core Strategy 2014.

8. Other than the demolition of the existing buildings, no development shall commence until details of a scheme for the implementation of the following sustainable measures, which are proposed to be incorporated within the development, has been submitted to and approved by the Local Planning Authority:

a) connection to District Heating System

Reason: In order to ensure that these measures are incorporated into the approved development and, therefore, in the interests of the sustainable development of the site and in accordance with Policy 1 of the Adopted Core Strategy 2014.

9. Before any above ground development commences, large-scale elevation and section drawings to show the detailed design of the following elements of the building (e.g. scale 1:50 and/or 1:20) shall be submitted to and approved in writing by the Local Planning Authority:

a) All window types and glazing systems,

b) Pre-patinated copper cladding system, including standing seams and joints;

c) External doors.

d) External railings.

e) External louvers.

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

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy 2014.

Pre-occupation conditions

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

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

Reason: The application site falls within an Air Quality Management Area for nitrogen dioxide declared by Order. Therefore, in order to ensure that the occupants of the approved development are not exposed to elevated levels of nitrogen dioxide in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.

11. Prior to first occupation of the development, the following shall be 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: 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. 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 that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.

13. The approved development shall not be occupied until the kerb lines and footways to St. Marks Street and Curzon Street, resulting from the existing drop-kerbs and accesses having been made redundant, have been reinstated in accordance with details that are to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety in accordance with Policy T3 of the Nottingham Local Plan.

14. A detailed landscaping scheme for the development indicating the type, height, species and location of proposed planting (trees and shrubs), shall be submitted to and approved by the Local Planning Authority before the development is first brought into use.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.

Regulatory/ongoing conditions

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

15. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any trees 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 will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.

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 18 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 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: 2014 Sound Insulation and Noise Reduction for Buildings.

4. 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.

5. The development is located either within or on the boundary of an Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) [the Regulations] are not being achieved.

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

While no air quality assessment is required in this situation, an air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling or DMRB screening) will be required to establish which floors of a multi-storey building do not require an appropriate ventilation scheme.

The air quality management scheme shall include the design and configuration specification of the whole building ventilation scheme and ensure that:

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

The approved whole building ventilation scheme [including any additional mitigation measures], shall be shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Consideration will also be given to alternative equivalent measures to reduce exposure to poor air quality. However these may require the support of an air quality assessment to demonstrate their effectiveness.

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

6. 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 and groundwater contamination of the site.

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.

7. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring and prior to any works commencing on site the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out if a disturbance to the highway is likely. Please contact them on 0115 876 5238.

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

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

10. Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss requirements to satisfy the condition related to drainage.

11. Traffic Regulation Orders in the adjacent streets to the access are to be investigated at full cost to the applicant and if required altered accordingly or new TRO's implemented as necessary. Any TRO's altered or proposed in support of the development must first be agreed by the Traffic Management Team in writing. For further information please contact Scott Harrison 0115 8765245.

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: 14/01925/PFUL3 (PP-03581981)

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: Bilborough

Item No:

PLANNING COMMITTEE
22nd October 2014

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site Of 2-28 And 179-217 Cranwell Road, Nottingham

1 SUMMARY

Application No: 14/01934/PFUL3 for planning permission

Application by: Arcus Consulting LLP on behalf of Nottingham City Homes

Proposal: 20 new dwellings following demolition of existing properties.

The application is brought to Committee because it is a major development where there are complex design considerations.

To meet the Council's Performance Targets this application should be determined by 7th November 2014.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

- 3.1 The application comprises two separate areas on Cranwell Road with one site on the eastern part and one to the west. The sites are described as the east site and the west site for the purposes of this report.
- 3.2 The east site currently comprises a two storey terrace block totalling 14 dwellings. The site is bounded to the south by the Strelley social club, to the east and north by residential properties and to the west by the Seagrave Primary School.
- 3.3 The west site currently comprises 2 two storey terrace blocks totalling 20 dwellings. These are located on the east side of Cranwell Road and are bounded to the east by the Seagrave Primary School and to the north by residential properties. There are further residential properties on the opposite side of Cranwell Road.
- 3.4 Planning permission was granted in February 2014 for two sites, one on the east side of Cranwell Road and the other on the west side, for a combined development of 11 bungalows and 17 houses (ref. 13/02657/PFUL3). The current application comprises further elements of this scheme for Cranwell Road. The sites now under consideration were originally part of the application site area for ref.

13/02657/PFUL3 but were excluded before planning permission was granted as a result of concerns relating to the two apartment blocks which were then proposed.

4 DETAILS OF THE PROPOSAL

- 4.1 This is a full planning application submitted by Nottingham City Homes (NCH). It seeks permission for the redevelopment of two sites following the demolition of the existing dwellings and garages to provide 8 houses and 12 flats. All the properties would be retained by NCH and therefore this constitutes a scheme of entirely affordable housing.
- 4.2 The east site proposes a block of 2 storey 1-bed apartments on the eastern side of Cranwell Road. Pedestrian access to the flats is gained from four different points, with each entrance door serving no more than two flats. The area at the rear of the apartments is proposed to be private rear gardens for the ground floor apartments.
- 4.3 The west site proposes 8 two storey semi-detached houses which will form street frontage development on the eastern side of Cranwell Road. At the time of the consideration of the previous scheme this area was to accommodate an apartment block.
- 4.4 Each of the houses on the west site include at least one in plot parking space either at the front or the side. The apartment block has a communal parking on the south side of the site providing parking for five vehicles. There will also be some parking in a lay-by alongside Cranwell Road adjacent to the flats. Secure cycle storage facilities will be provided for all the dwellings.
- 4.5 It is the intention that the dwellings will meet the Code for Sustainable Homes Level 4 and the Lifetime Homes Standard.
- 4.6 Employment opportunities would be created in the construction phase of the development. The developer is committed to working with the Council's Employment and Skills team to deliver the opportunities for local people.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by site notices, advertisement in the local newspaper and the following neighbours have been consulted:

1 - 3 Lancaster Way
42-52 (evens) Askeby Drive
2- 8 (evens) Prestwick Close
7 - 10 Hucknall Close
2 Edgeway
11 Kildonan Close
4 - 46 (evens), 45 – 53 (odds) and 194 -204 (evens) Cranwell Road
Seagrave Primary School, Helston Drive
Strelley Social Club and living accommodation over, Helston Drive

No response has been received.

Additional consultation letters sent to:

Pollution Control: No objection. No gas or contamination issues but radon protection measures will be compulsory (which can be addressed by an informative).

Highways: No objection. Recommend conditions requiring a construction method statement, detailed design matters and the disposal of surface water.

Tree Officer: No objection. The submitted Arboricultural Method Statement and Tree Protection Plan are comprehensive and dispense with the need for a condition. No objection to the removal of 4 additional trees. The scheme substantially secures objectives in relation to tree retention in that principal groups or individuals that contribute to the appearance of the school open space have been retained, and also numbers of individuals along Cranwell Road itself. The Arboricultural Method Statement is fit for purpose and removes the necessity to secure this by condition.

Biodiversity and Greenspace Officer: No objection. Satisfied there has been sufficient survey effort and are proposing precautionary methods of working to prevent harm to and to inform appropriate mitigation for bats at the site. Sufficient survey effort also to support a licence application to Natural England to be able to legally undertake demolition works where bat roosts are present. The timing of demolition will be crucial to being able to avoid harm to bats, and for a licence to be successfully granted by Natural England. Recommend that the mitigation strategy be secured by condition.

Police Architectural Liaison Officer: No objection. Has however made a number of comments as the development is situated within a high crime area where there are a large number of anti-social and criminal incidents. Proposed plans for the development on the west site are satisfactory and recommends that the properties are constructed to 'Secured by Design' standards. With regard to the east site expressed concern that the car parking within the site would not be overlooked and the on street car parking is not overlooked by "active rooms" e.g. kitchens and living rooms, and that the plans as proposed would not meet "Secured by Design".

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 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, to encourage the effective use of land by reusing land that has been previously developed (brownfield land), and by supporting the transition to a low carbon future.
- 6.2 Paragraph 60 of the NPPF advises that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. Paragraph 63 adds that great weight should be attributed to outstanding or innovative designs.
- 6.3 Paragraph 96 states that new development should be expected to take account of

landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities

H2 – Density

H5 - Affordable Housing

R2 - Open Space in New Development

NE3 – Conservation of species

NE5 – Trees

NE12 - Derelict and Contaminated Land

NE14 - Renewable Energy

T3 - Car, Cycle and Servicing Parking

Aligned Core Strategy (ACS) (September 2014)

The Nottingham City Core Strategy was formally adopted by the council on 8th September 2014. The following policies are considered relevant:

Policy 1 Climate Change

Policy 8 –Housing size, mix and choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 –Managing Travel Demand

Policy 17 - Biodiversity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

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

(i) Principle of the development and the appropriateness of the mix of house types and tenure (Local Plan policies ST1, H2 and H5 and ACS policy 8)

- 7.1 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 and affordable housing if required. This 100% affordable 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 more sustainable communities. The scheme replaces the 1 and 2 bed flats which are currently on the two sites with a mixture of houses and flats and thereby diversifies the range of housing types in this area. Additionally, the development is located in a sustainable location, close to local facilities and public transport and therefore accords with Policies ST1, H2 and H5 of the Local Plan and Policy 8 of the ACS.

(ii) Layout and design considerations (Local Plan policies NE5 and T3 and ACS policy 10)

- 7.2 Local Plan policies, the ACS and the NPPF all recognise the importance of design in making places better. The NPPF advocates the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. It also states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.3 The proposed layout of the west site is in the form of houses with street frontages to provide a clear definition between the public and private realm throughout. The frontage development will introduce casual surveillance of the street and overall, it is considered the scheme will significantly improve community safety in the area when compared to the current layout. Each of the dwellings will have an off street car parking space and a front garden which will be enclosed. Details of the enclosure will be secured by condition.
- 7.4 Achieving a satisfactory layout for the apartment block on the east site has been more challenging taking into account the site context, in particular the change in levels across the site, the proximity of residential properties to the east and the desire to retain a tree close to the site frontage which has significant amenity value. After numerous iterations the layout is now considered to be generally acceptable. The concerns of the Police Architectural Liaison Officer in respect of the lack of "active rooms" providing casual surveillance have been addressed by reconfiguring the internal layout of the upper floor flats and including some additional windows in the south elevation of the building, which will overlook the communal car parking area.
- 7.5 None of the proposed development exceeds two storeys which accords with the character of this residential area.
- 7.6 The elevational treatment of both the dwellings and the apartments, together with the palette of materials, would create a clear and straightforward architectural language. The proposed materials for the new houses, which would be a mix of red brick and render panels, are considered to be appropriate. The proposed materials for the apartment block would be a mix of red brick, render and coursed stone. The

palette of materials is used in a number of ways to provide variety in the streetscene and deep reveals to the windows will provide depth and articulation.

- 7.7 Bin storage, including waste recycling provision, will be provided to the rear of the houses and there will be communal bin storage areas for the apartments.
- 7.8 It is anticipated that the completed housing scheme will achieve at least a green 'Building for Life' standard.
- 7.9 The layout and design of the buildings are acceptable. However, there are on-going discussions with regard to the siting of the northernmost part of the apartment block, to re-position it further away from the rear boundary. This had been set back into the site to allow for the retention of a tree on the frontage to Cranwell Road but in order to provide adequate amenity of the occupiers of the residential properties to the east, it has proved necessary to remove the tree and replace it with a semi mature native tree. There are also to be some minor changes to the elevations. Amended plans dealing satisfactorily with the above issues are yet to be submitted. Nevertheless, the development would accord with Local Plan policies NE5 and T3 and ACS policy 10.

(iii) Highway considerations (Local Plan policy T3 and ACS policy 14)

- 7.10 The layout for the new houses on the west site has been designed to create a 'perimeter' block layout, with pedestrian and vehicular access being from the front of each new property, continuing the frontage development scheme approved earlier this year.
- 7.11 The parking provision for the apartment block on the east site is a combination of off street car parking and lay-by parking and is considered to be adequate. There are a number of detailed highway matters to be resolved and these can be satisfactorily addressed by condition and through the Highways Act S.278 Agreement. The development therefore accords with Local Plan policy T3 and ACS policy 14.

(iv) Impact on residential amenity (ACS policy 10)

- 7.12 The proposed layout has been designed to take into account the existing residential properties which abut the site, to ensure that there would be no adverse impact upon the amenities of existing residents or future occupants of the new development in terms of light, outlook and privacy. As set out in para 7.9 the northernmost part of the apartment block is to be re-positioned further from the eastern boundary and subject to the receipt of a satisfactory amended plan, it is considered that the development would therefore comply with ACS policy 10.

(v) Section 106 considerations (Local Plan policies R2 and H5)

- 7.13 As there will be a greater number of units decommissioned than replaced this development will not place an additional pressure on open space or education provision in the area. Planning obligations in relation to these matters will therefore not be required.
- 7.14 The proposal involves the demolition of existing housing stock and its replacement with a new higher quality scheme of social housing on a site to be developed solely for affordable housing which is secured under the land development agreement

with the City Council. Therefore the Affordable Housing policy which usually secures a minimum 20% Affordable Housing through a planning obligation will not be required in this instance.

8. SUSTAINABILITY / BIODIVERSITY (Local Plan policies NE5 and NE14 and ACS Policies 1, 10 and 17)

8.1 The developments have been designed to meet the requirements of Code for Sustainable Homes Level 4. This requires a 25% improvement on carbon savings over the Building Regulations Part L.

8.2 The scheme proposes the retention of the trees of high amenity value and the planting of further trees which will be predominantly native species.

8.3 The Biodiversity and Greenspace Officer is satisfied that the bat survey submitted with the application is satisfactory. The survey has revealed that bats are roosting in some of the buildings to be demolished and the process of protecting the bats during the demolition period is controlled by means of a licence from Natural England. Mitigation measures in the form of bat and bird boxes will be secured by condition.

8.4 Local Plan policies NE5 and NE14 and ACS Policies 1, 10 and 17 are therefore satisfied.

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 –Redeveloping of a brownfield site to deliver a high quality, sustainability-led, family housing scheme.

Safer Nottingham – Improved security and natural surveillance.

14 CRIME AND DISORDER ACT IMPLICATIONS

The scheme will provide improved surveillance and community safety in the Area.

15 VALUE FOR MONEY

None.

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

1. Application No: 14/01934/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9ZOAZLYCB000>

Highway comments dated 12.09.2014

Noise and Pollution Control comments dated 01.09.2014

Email from Tree Officer dated 04.09.2014

Emails from Biodiversity and Greenspace Officer dated 26.08.2014 and 08.09.2014

Email dated 25.09.2014 from Police Architectural Liaison Officer

17 Published documents referred to in compiling this report

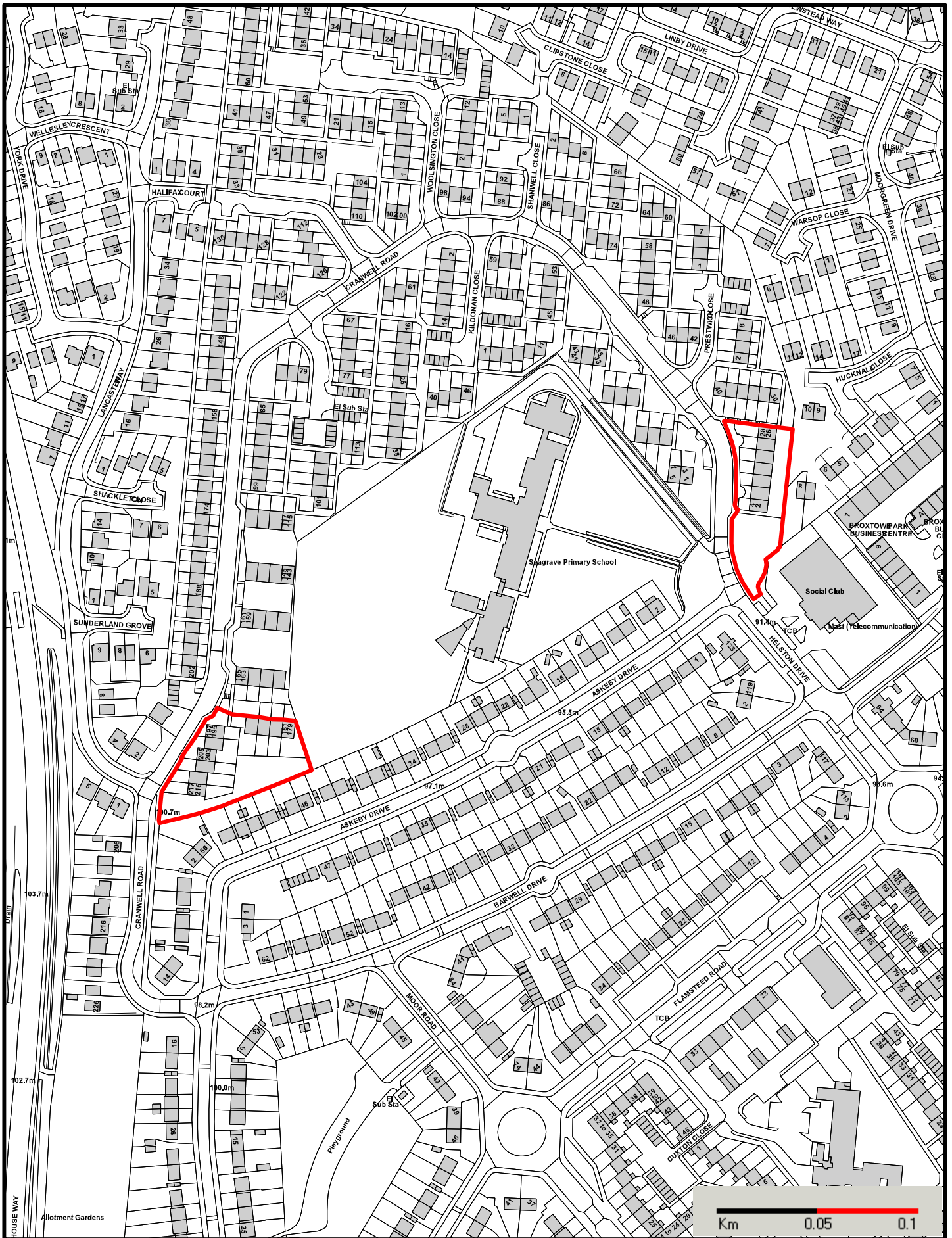
Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Contact Officer:

Mrs Janet Keble, Case Officer, Development Management.

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



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My Ref: 14/01934/PFUL3 (PP-03587543)
Your Ref:
Contact: Mrs Janet Keble
Email: development.management@nottinghamcity.gov.uk



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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Arcus Consulting LLP
Mr Bobby Chakravarthy
4 Mariner Court
Calder Park
Wakefield
WF4 3FL

Date of decision:

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

Application No: 14/01934/PFUL3 (PP-03587543)
Application by: Nottingham City Homes
Location: Site Of 2-28 And 179-217 Cranwell Road, Nottingham, NG8 6NS
Proposal: 20 new dwellings following demolition of existing properties.

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 take place, including demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- (i) Vehicular access to the site;
 - (ii) The parking of vehicles of site operatives and visitors;
 - (iii) Loading and unloading of plant and materials;
 - (iv) Storage of plant and materials used in constructing the development;
 - (v) Wheel washing facilities;
 - (vi) Measures to control the emission of dust and dirt during construction.

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

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy

3. The highway related works shall not be commenced until the following have been to and approved in writing by the Local Planning Authority:
- (a) details of the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II Safety Audit for the access to the east site apartment block have been submitted to and approved in writing by the Local Planning Authority;
 - (b) details of dropped kerbs and ramps, suitable for wheelchairs and prams to be provided at the time of development in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings;
 - (c) details of the visibility splays on each side of the vehicular access to the east site apartment block.

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

Reason: In the interests of highway safety and to ensure a satisfactory layout in accordance with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.

4. 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.

5. The development shall not be commenced until a drainage scheme for the disposal of surface water, to include the use of sustainable urban drainage measures, has 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 development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Local Plan.

<p>6. 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.</p> <p>The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.</i></p>
<p>7. The development shall not be commenced until details of the depth of the window reveals to each of the house/apartment types have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the approved details.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 the Aligned Core Strategy</i></p>
<p>8. The development shall not be commenced until details of the areas to be hard landscaped, including the proposed parking areas and access roads which should be of permeable materials, have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the approved details.</p> <p><i>Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.</i></p>
<p>9. The development shall not be commenced until details of enclosure for the site boundaries and individual plots have been submitted to and approved in writing with the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the approved details.</p> <p><i>Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.</i></p>
<p>10. The development shall not be commenced until a scheme to achieve a minimum of 10% reduction in carbon emissions over and above the Building Regulations 2010 parts L1A and L1B, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the approved details.</p> <p><i>Reason: In order to ensure that these measures are incorporated into the approved development and, therefore, in the interests of the sustainable development of the site in accordance with Policy NE14 of the Local Plan and Policy 1 of the Aligned Core Strategy.</i></p>
<p>Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)</p>
<p>11. No part of the development shall be occupied until the proposed access and parking spaces for that part have been provided, surfaced and, where appropriate, individual spaces marked out in accordance with the approved plans.</p> <p><i>Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.</i></p>

12. No dwelling shall be occupied until the site boundary and boundaries relevant to that individual plot have been enclosed in accordance with the approved details.

Reason: In the interests of the occupiers of nearby property in accordance with Policy 10 of the Aligned Core Strategy.

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

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

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.

14. The development shall not be occupied until details of a landscaping scheme, 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 10 of the Aligned Core Strategy.

15. No dwelling shall be occupied until the measures approved in relation to Condition 10 have been installed and, where relevant, are able to provide renewable/low carbon energy to serve the development.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policy NE14 of the Local Plan and Policy 1 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

16. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and 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 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 removed, uprooted or 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 8 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. Highway related

1) 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.

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

3) The right to charge commuted sums is reserved in respect of ongoing maintenance where the materials used for adopted highway are above and beyond what is required for the safe and satisfactory functioning of the highway. Commuted sums for trees planted within the highway are required, (costs for these vary) as well as materials used for traffic calming schemes such as the raised platform at the junction. For further information regarding the collection of commuted sums the applicant should contact Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293.

4) Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss requirements to satisfy the condition related to drainage.

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

6) The redundant footway crossings and/or damaged or altered areas of footway or other highway shall be re-instated.

4. It should be noted that the timing of demolition will be crucial to being able to avoid harm to bats, and for a licence to be successfully granted by Natural England. A precautionary approach to demolition should also be implemented with a suitably licensed ecologist overseeing the hand stripping of features of the buildings with potential for roosting bats. Full demolition can only take place once the ecologist is satisfied that all areas of the existing buildings that have potential to support a bat roost have been carefully dismantled.

The mitigation strategy should include the installation of at least 10 bat bricks on the gable end of new house located within the western portion of the site adjacent to the school playing field, and the provision of at least 6 bat boxes on retained trees within the site (or trees adjacent to the site if permitted by landowner) installed prior to the start of demolition works.

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.

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. You are advised that the property falls within an area affected by radon gas, as defined by the Health Protection Agency (HPA). This means that there is a greater than 1% chance that the property is affected by radon levels above that, where preventative action is required. You are therefore advised to visit the Health Protection Agency website, www.hpa.org.uk, for more information on Radon protection measures.

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: 14/01934/PFUL3 (PP-03587543)

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
22nd October 2014**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

N C V Garage, Hucknall Road

1 SUMMARY

Application No: 14/01791/PFUL3 for planning permission

Application by: DSP Architects on behalf of Aldi Stores Ltd. And NCV Properties Ltd

Proposal: New food retail store with associated car parking, servicing and landscaping following demolition of existing building.

The application is brought to Committee because it is a major planning application that has generated significant local interest.

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

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

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

3 BACKGROUND

3.1 This application site is currently a vehicle sales and repair garage, located on the west side of Hucknall Road immediately south of Bulwell Forest Park. On the site's western sides are residential properties on Edwalton Court, St Albans Road and Marvyn Close. To the east across Hucknall Road are more houses and Gala Bingo. The building is currently located towards the front of the site with vehicle access to each side and substantial parking areas at the rear.

4 DETAILS OF THE PROPOSAL

4.1 The proposal is for the construction of a foodstore of 1,782 square metres. The single storey building would be located adjacent to the western boundary at the rear of the site, separated from Hucknall Road by landscaping and parking spaces. Disabled, family and cycle spaces would be located adjacent to the building entrance, with a total of 120 parking spaces provided.

4.2 The proposed building would have a low pitched roof and the elevation to Hucknall Road and would contain the store entrance and some full height glazing. The remaining elevations would comprise silver, grey and terracotta wall and rainscreen

cladding with open glazing adjacent to the tills in the south elevation. The standing seam roof would extend over the front of the building with a metal and glazing canopy above the entrance.

- 4.3 Vehicular access would be from Hucknall Road following the formation of a new right turning lane. Pedestrian access would be from Hucknall Road on the site's southern boundary and from Bulwell Forest Park to the northeast. The Hucknall Road and park boundaries would be low metal railings. The boundaries with residential properties would be two meter high close board timber fencing, with the northern boundary (closest to the delivery bay) being acoustic fencing. Additional landscaping is proposed, primarily around the edges of the site, plus new trees within the parking areas.
- 4.5 Employment opportunities would be created during both the construction and operational phases of the development. The applicants have committed to working with the council's employment hub to deliver opportunities for local people.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

38 notification letters were sent to neighbouring occupiers at 227 to 235 odds Andover Road; 1 to 15 odds Edwalton Court; 297 to 309 odds and Cherubs Day Nursery, St Albans Road; 9 to 15 Marvyn Close; NCV Garage units; 2 Southglade Road; 29 to 33 odds Sunningdale Road.

45 cards and emails have been received supporting the proposal. The vast majority of these are hand written comments on cards that were supplied to residents by the applicant. The reasons for supporting the new proposal are:

- The store would provide quality foods at affordable prices.
- The store would be convenient for the local community and provide local people with more shopping choice.
- The store would be within walking distance for many local residents and would avoid the need to drive to other Aldi stores.
- The store would increase shopping competition in the area.
- The proposal would improve the site's appearance.
- The development would create employment opportunities for local people.

Two letters received raising concerns about traffic problems and congestion. The new store would add to traffic levels and add to existing problems for right-turning vehicles at the Kersall Drive junction and that a mini roundabout or traffic lights are needed at the Kersall Drive junction.

One letter received expressing concern that the open car park will allow burglars easy access to houses neighbouring the site and that the proposed 2m high fencing would be too easy to climb.

Additional consultation letters sent to:

Pollution Control: Recommend conditions regarding soil and gas contamination and to ensure that noise from plant and equipment does not cause noise nuisance

to local residents.

Highways: No objection subject to conditions regarding construction management plan, details of drainage, off-site highway works and a travel plan.

Biodiversity: Support pedestrian access from park; ecological assessment and bat surveys are appropriate; recommended increased use of native species in the landscaping scheme, which have now been incorporated into the landscaping scheme.

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 Paragraph 24 requires the application of a sequential assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF recognises town centres as the heart of communities and Local Planning Authorities should pursue policies to support their viability and vitality. Local Authorities should promote competitive town centres that provide customer choice and a diverse retail offer.
- 6.3 Paragraph 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 such as integration and connectivity.
- 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.

CLG Planning for Town Centres Practice Guide on Need, Impact and the Sequential Approach (2009)

- 6.5 The CLG Practice Guide was prepared to help those involved in preparing or reviewing retail assessments. The guidance reinforces that town centre sites are likely to be the most readily accessible locations for retail uses, reducing the need to travel and increasing choice and competition to encourage linked trips.

Aligned Core Strategy (2014)

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 4: Employment Provision and Economic Development - aims to strengthen and diversify the local economy.

Policy 6: Role of Town and Local Centres - aims to maintain and enhance the vitality and viability of all centres.

Policy 10: Design and Enhancing Local Identity - new development should be designed to: create an attractive, safe, inclusive and healthy environment.

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities.

S5 – New Retail Development, on the Edge of or Outside Existing Centres.

NE9 - Pollution.

T3 - Car, Cycle and Servicing Parking.

R1 - Development Of Open Space

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Sustainability and economic considerations
- ii) Retail policy analysis
- iii) Highway impact
- iv) Urban design considerations
- v) Residential amenity issues

i) Sustainability and economic considerations (Aligned Core Strategy Policy A, Policy 4 and Local Plan Policy ST1, NPPF)

- 7.1 The site is an unallocated site within the adopted Local Plan and therefore its use for retail purposes does not conflict with any strategic designation.
- 7.2 Policy ST1 advises that planning applications should be considered against various criteria, including the need to promote mixed uses, the scheme's contribution to strengthening and diversifying the economic base of the city and access to local employment opportunities (particularly to disadvantaged groups). ST1 also encourages the use of previously developed land and buildings and the efficient use of land.
- 7.3 The site falls within a generally residential area where a reasonable amount of custom is likely to come from residents living in the nearby areas. The site is located on a busy road where there are frequent buses providing good public transport links to the city centre and surrounding areas. Although not strictly an employment generating use, local job opportunities would be created through both the construction and operational phases of the development. In principle, the scheme substantially complies with Aligned Core Strategy, Policy A, Policy 4 and Local Plan Policy ST1.

ii) Retail Policy Analysis (Aligned Core Strategy Policy 4 and Local Plan Policy S5, NPPF and CLG Town Centres Practice Guide)

- 7.4 Policy S5 states that planning permission for new retail development outside existing centres will only be granted where no other suitable sites are available within existing centres. Policy S5 prioritises retail development on sites that firstly fall within the City Centre or Town Centre, or secondly on the edge of the City Centre or Town Centre or within Local Centres. This sequential site approach is a key requirement of national planning policy as it aims to prioritise in-centre sites before out-of-centre sites are considered. Sequential site assessment is a key component of the former PPS4 and this is continued within the National Planning Policy Framework. The CLG Planning for Town Centres Practice Guide provides detailed guidance on carrying out and assessing retail assessments. This approach is also continued in Policy 6 (Role of Town and Local Centres) of the Aligned Core Strategy.
- 7.5 The application site is located 600m from the Top Valley Way (Tesco) Centre of Neighbourhood Importance, and 1km from Bulwell Town Centre and is therefore an out-of-centre location when considering government guidance.
- 7.6 The applicant has carried out a retail assessment, which includes a sequential site assessment. This evaluates five sites in terms of their availability, suitability and viability for the development. Two sites are identified adjacent to Bulwell Town Centre (former New Crown site, Jennison Street and former care home on Coventry Road), one adjacent to Top Valley Way (Tesco) Centre of Neighbourhood Importance, (former public house), one adjacent to the Highbury Road Local Centre (former Henry Mellish School) and one is in the Bestwood park Drive Local Centre (former Kwik Save).
- 7.7 The submitted assessment concludes that there are no suitable alternative sites where the proposed development could be located. The Bulwell sites are identified as being unviable due to their proximity to the existing Aldi store on Sellers Wood Drive. The Henry Mellish site is identified for residential development and is too large for an Aldi food store. The site adjacent to Tesco is owned by Tesco and therefore unavailable. The Kwik Save site benefits from a residential planning permission and has a layout unsuitable for food store development.
- 7.8 Policy S5 advises that where there are no suitable in-centre sites, this proposal should be considered with regard the other stated criteria, including the impact upon the vitality and viability of existing centres. The applicant's Retail Impact Assessment considers the potential impact of the new store on the vitality and viability of existing shopping centres within the catchment area. The submitted analysis demonstrates that the impact on existing centres would not be significantly adversely affected. In this regard, the scheme does not conflict with Policy S5.
- 7.9 Policy S5b requires that consideration be given to the extent to which the site is, or can be made, accessible by a choice of means of transport and whether the proposal would add to the overall number and length of car trips. There are regular bus services on Hucknall Road - as well as St Albans Road - with bus stops nearby on both sides of the road. The scheme proposes cycle parking facilities and there are pedestrian crossing facilities to residential areas on the opposite side of Hucknall Road as well as an entrance from the park which would serve residential areas to the west. While it is anticipated that many customers would travel by car as is evidenced by the proposed number of parking spaces, people wishing to travel

by other means could have that option. In this regard, the proposal complies with Policy S5.

- 7.10 The submitted Planning Statement (July 2014) states that the existing car sales/garage business intends to remain in Nottingham, subject to a suitable site being secured (with all existing jobs retained). Whilst such employment would not fall within the context of Policy E4 'Regeneration of Previously Used Employment Sites and Employment Premises' given the Sui Generis use class, such relocation would be welcomed.

iii) Highway and Issues (Aligned Core Strategy Policies 1 and 10, Local Plan Policy T3, NPPF)

- 7.11 The site is located in an out-of-centre location where it is anticipated that a reasonable proportion of customers would travel from the local area. The nature of the use is such that even people travelling locally may drive to the site in order to transport shopping. The out-of-centre location discourages shared trips to other in-centre shops and local facilities.
- 7.12 The site is, however, on and close to good bus route linking to the city centre, local residential areas and Bulwell, with bus stops close to the site. The site is within walking distance of substantial residential areas which are underprovided with a choice of food stores. It is likely that a relatively high proportion of visits to the site would come from passing vehicular customers who would be on the highway network using their cars in any case; it is generally accepted that such food stores do not create traffic which is 'new' to the highway network. Other visits would be from local residents who would walk or make reduced car trips due to the site being closer than stores they already use. On balance, it is considered that this is an acceptable location for such a store, and in accordance with Aligned Core Strategy Policies 1 and 10, Local Plan Policy T3, and the NPPF.
- 7.13 The scheme proposes dedicated pedestrian links to the store entrance from Hucknall Road and Bulwell Forest Park, which would separate pedestrian movements from cars. The vehicular access/egress has been reduced in width to aid pedestrian movement across it. Aisle widths have been reduced to facilitate pedestrian movement within the site. Cycle parking is provided for 30 cycles and 6 motorcycles, which is an appropriate level.
- 7.14 Staff, customer and servicing access to the car park would be provided by a new single entrance off Hucknall Road. There are no technical highway objections to this access arrangement, and no safety concerns have been raised with regard to highway capacity or congestion. A new ghost right turning lane is to be provided on Hucknall Road which would allow vehicles to queue to enter the site without blocking southbound traffic. In this respect, the scheme complies with Policies 10 and T3.
- 7.15 The issue of provision of traffic lights at the junction of Hucknall Road and Kersall Drive has previously been investigated and, owing to land constraints, as well as the impact which junction modifications would have on the overall Hucknall Road corridor at this location in terms of queuing and delay that it would be unfeasible to amend the junction from how it currently operates. In addition, given that the store would create little traffic new to the network, it would be unreasonable to expect Aldi to carry out these works.

iv) Urban Design Considerations (Aligned Core Strategy Policy 10 and NPPF)

- 7.17 Policy 10 requires, amongst other things, that the development will make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment. Raising standards in design is supported by the NPPF which requires that high quality design is secured through the planning process.
- 7.18 The building is designed to the applicant's 'blade roof' model. It would have a pitched roof and be wall clad with glazing to the elevation facing Hucknall Road at the rear of the car park. Improvements to the layout have been negotiated, including improved pedestrian access through the car park, railings to the site boundaries and the use of native species in the landscaping scheme.
- 7.19 It would not be possible to site the building at the front of the site as this would not allow a suitable vehicle entrance and so most of the car parking is to the front of the building. The food store would therefore not be viewed particularly prominently in the street, particularly for those people travelling north along Hucknall Road as it would be set back behind the houses on the adjacent site. This approach is, on this occasion, appropriate as it allows views across the car park to Bulwell Forest Park. These views would be enhanced by tree planting within the car park and by the landscaping scheme which uses native species. The proposal is considered to comply with Policy 10.

v) Residential Amenity Issues (Aligned Core Strategy Policy 10 and Local Plan Policy NE9, NPPF)

- 7.20 The proposed building entrance, and therefore the main area of activity, is approximately 40 metres from the neighbouring block of flats on Marvyn Close. At this distance, it is not envisaged that the use would have any materially detrimental impact on occupiers of these properties. Properties to the north of the site would be 30 metres from the building and its associated loading bay and an acoustic fence is proposed at this boundary. Again, it is not expected that any noise nuisance would occur and conditions can be imposed in this regard.
- 7.21 Whilst the resident's concerns about security are appreciated, 2m high close board fences are generally considered to be a reasonable and secure garden boundary. Overall, then, the proposal complies with Aligned Core Strategy Policy 10 and Local Plan Policy NE9.

Other Matters

- 7.22 Concerns have been raised by residents on St Albans Road about current problems of flash flooding of their gardens from the garage site. The applicants have committed to resolving this issue through changes in site levels and their drainage strategy and this has been discussed with residents.
- 7.23 Aldi has agreed to provide and surface the footpath in the park which leads to the store. Although not a material planning consideration, discussions are ongoing between Aldi and Parks & Open Spaces regarding a contribution toward an interpretation panel at the park entrance.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 Photovoltaic panels are proposed on the roof of the building. The retailer utilises a range of sustainable construction and energy reduction measures which are designed to reduce the company's carbon footprint and mitigate the impact of climate change. They have stated that they ensure that their buildings are efficiently designed to achieve an 'A Energy Performance Certificate' classification. They use energy efficient LED light fittings and run a building management system to reduce energy consumption during night time hours. The new stores are fitted with a heat reclamation system to take waste heat from refrigeration equipment to heat the store.
- 8.2 The applicant has stated that they use localised distribution centres to minimise the amount of road travel for delivery vehicles and these same vehicles are used to return waste. They also state that the company uses sophisticated systems to create efficient delivery routes and reduce fuel consumption through vehicle design and monitoring technology. Systems are in place to reduce packaging and food waste.
- 8.3 The package of measures would help to ensure that carbon emissions are significantly lower than conventionally heated, powered and insulated stores. The proposal complies with Aligned Core Strategy Policy 1.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Working Nottingham: the development will provide local employment opportunities.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 14/01791/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9FAYALYCB000>

17 Published documents referred to in compiling this report

National Planning Policy Framework

Planning for Town Centres: Practice Guidance on Need, Impact and the Sequential Approach (CLG – 2009)

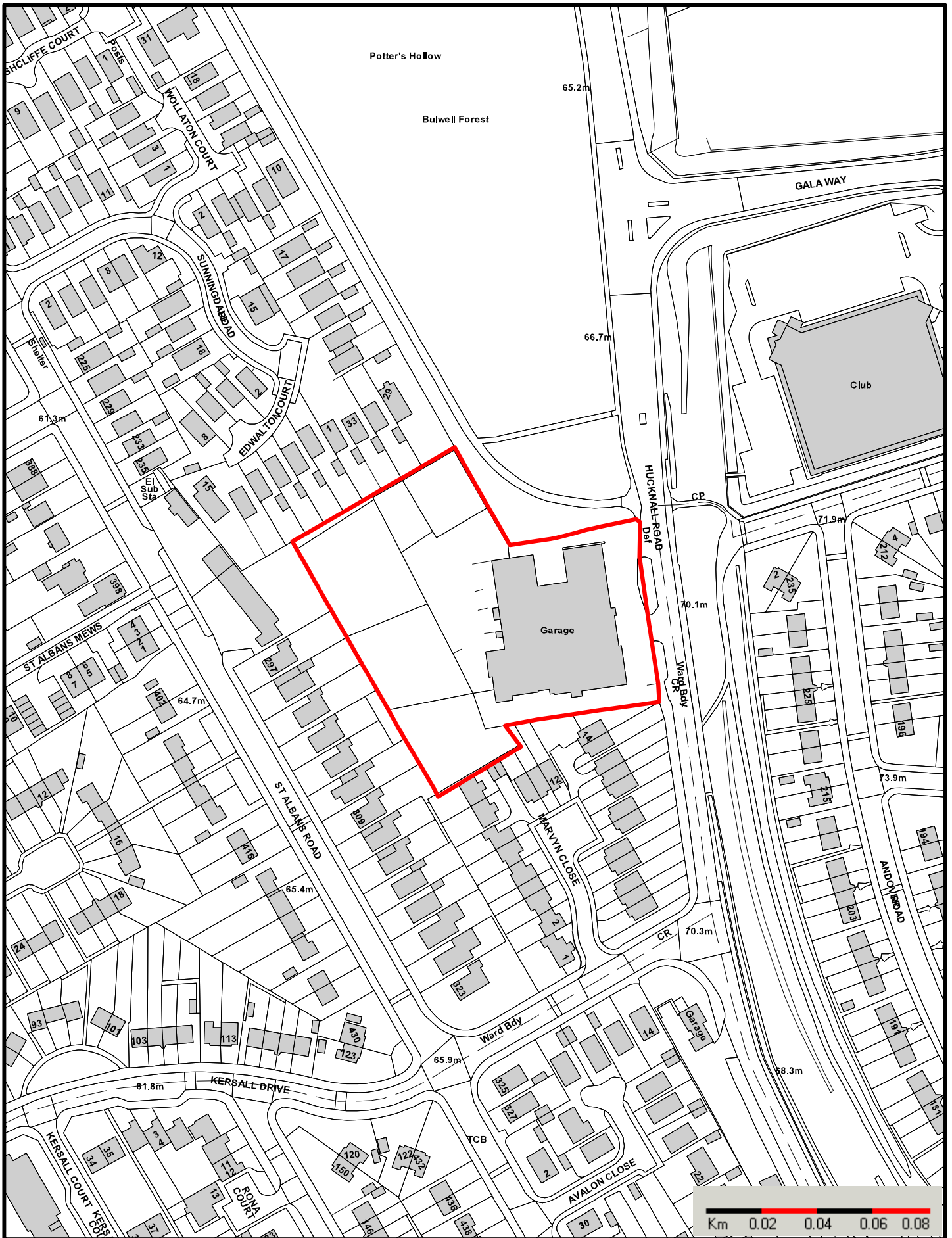
Aligned Core Strategy (2014)

Nottingham Local Plan (2005)

Contact Officer:

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My Ref: 14/01791/PFUL3 (PP-03556873)

Your Ref:

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Date of decision:

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

Application No: 14/01791/PFUL3 (PP-03556873)
Application by: Aldi Stores Ltd. And NCV Properties Ltd
Location: N C V Garage, Hucknall Road, Nottingham
Proposal: New food retail store with associated car parking, servicing and landscaping following demolition of existing building.

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

Time limit

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

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

Pre-commencement conditions

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

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

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

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

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

4. The development shall not be commenced until a construction management plan detailing how the development works are to be carried out, including details of the type, size and frequency of vehicles arriving at and leaving the site, site access details, contractor staff parking provision, traffic management, haul routes and a phasing programme, has been submitted to and approved in writing by the Local Planning Authority. This shall also include details of wheel washing facilities and measures to prevent the deposit of debris onto the highway.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy

5. The development shall not commence until further details regarding the disposal of surface water have been submitted and approved in writing by the Local Planning Authority. As a minimum this shall include sizes of tanks, discharge rates, control devices, details of how the system will be maintained, and incorporate Sustainable Drainage methods where possible. The development shall not be carried out other than in accordance with the approved details.

Reason: To reduce the risk of flooding in the interest of sustainable development in accordance with Policy NE10 of the Nottingham Local Plan.

6. The development shall not be commenced until details of off-site highway works have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy

Pre-occupation conditions

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

7. A landscaping and planting scheme shall be provided for the development. In particular;
- a) the store shall not be used until a detailed landscaping scheme for the car park and frontage indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority;
 - b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following its occupation; and
 - c) 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 will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy

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

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

9. The store shall not be used until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

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

10. The store shall not be used until the car park hereby approved has been provided and surfaced with porous or permeable materials and individual spaces marked out in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy

11. The store shall not be used until the off-site highway works have been carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy

12. The store shall not be used until the new footpath within Bulwell Forest Park and a litter bin at the boundary between the site and the park have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of access to and the appearance of the adjoining public open space in accordance with Policy R1 of the Local Plan.

Regulatory/ongoing conditions

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

13. Noise from any plant installed within the development shall not exceed the following at the site boundary with residential property:
Noise Rating NR40 between the hours of 07.00 and 23.00
Noise Rating NR35 between the hours of 23.00 and 07.00

Reason: In the interests of the amenities of the occupiers of nearby property in accordance with Policy NE9 of the Local Plan.

14. A full store Travel Plan with up-to-date staff and customer travel survey data shall be submitted for approval by the Local Planning Authority no later than 3 months after store opening. The Travel Plan shall be based on the framework version submitted as part of this planning application and will make reference to schemes and development that have occurred in the interim period. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and approved by the Local Planning Authority within 3 months of each survey date.

Reason: In the interests of sustainable travel in accordance with Policies 1 and 10 of the Aligned Core Strategy

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

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

5. 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

6. If the development involves the demolition of a building or part of a building larger than 1,750 cubic feet (50 cubic metres) in size it is necessary to serve a notice on the City Secretary at the Guildhall, North Sherwood Street, Nottingham NG1 4BT under Section 80 of the Building Act 1984 six weeks before demolition begins.

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: 14/01791/PFUL3 (PP-03556873)

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.