



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 18 March 2015

Time: 2.30 pm

Place: LB31-32 - 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: Noel McMenamin **Direct Dial:** 0115 8764304

AGENDA

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IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

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NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at LB31-32 - Loxley House, Station Street, Nottingham, NG2 3NG on 18 February 2015 from 2.30pm- 4.27pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Liaqat Ali
Councillor Cat Arnold
(minutes 62-67 inclusive)
Councillor Graham Chapman
(minutes 62-63 and 66-67 inclusive)
Councillor Azad Choudhry
(minutes 62-68 inclusive)
Councillor Alan Clark
Councillor Michael Edwards
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Wendy Smith
Councillor Roger Steel
Councillor Malcolm Wood

Absent

Councillor Ginny Klein
Councillor Eileen Morley

62 APOLOGIES FOR ABSENCE

Councillor Ginny Klein (unwell)
Councillor Eileen Morley (leave)

63 DECLARATIONS OF INTERESTS

Councillor Graham Chapman declared a pecuniary interest in agenda item 4(a) (Sports Complex, University of Nottingham, minute 65) and in agenda item 4(c) (Technology Entrepreneurship Centre, University of Nottingham, minute 69) as his spouse was employed by the University of Nottingham. Councillor Chapman left the meeting prior to discussion of each item.

64 MINUTES

The Committee confirmed the minutes of the meeting held on 21 January 2015 and they were signed by the Chair.

65 SPORTS COMPLEX, UNIVERSITY OF NOTTINGHAM

Having previously made a declaration of interest, Councillor Graham Chapman left the room prior to consideration of the item.

At its January 2015 meeting, the Committee considered a report on application 14/02540/PFUL3, submitted by David Morley Architects on behalf of the University of Nottingham for the erection of a new sports centre, with associated vehicular access, car park and other works. A majority of councillors had serious concerns about the loss of 3 veteran oak trees required by the application and the Committee resolved not to accept the officer recommendation to approve the application, deferring consideration of its detailed reasons for refusal to its February 2015 meeting – see minute 60 dated 21 January 2015.

Rob Percival, Area Planning Manager, introduced an update report of the Head of Development Management and Regeneration, on this application, detailing revised plans for the erection of the new sports centre, with associated vehicular access, car park and other works which would enable the retention of the 3 veteran oak trees and representing a material change in circumstances since the matter was last considered in January 2015.

The Committee also considered additional information contained in the update sheet, copies of which had been placed around the table and which had also been published subsequent to the agenda being published.

Mr Percival made the following points:

- (a) the proposed sports hall has been repositioned 9 metres to the south east, enabling the retention of the 3 veteran oak trees;
- (b) the revised plans require the demolition and replacement of the existing sports hall which it had originally been proposed to retain, resulting in relatively modest changes to the elevations of the building;
- (c) there is a minor adjustment to the siting of the triangular shaped block containing the indoor sprint track, fitness suite, sports science and rooftop viewing terrace;
- (d) there is a reduction in size of the plaza area at the eastern corner of the new building, a reduction in car parking spaces along the south east elevation of the building, and an amended link to the existing swimming pool building;
- (e) reconsultation for the revised scheme is underway and will run until 24 February 2015.

The Committee unanimously welcomed the revised proposals, and were assured by the information in the update sheet that the day nursery would not be adversely affected under the revised proposals.

RESOLVED

- (1) subject to the expiry of the reconsultation period on 24 February 2015 and the receipt of no representations raising material issues or objections that have not been addressed in this update report, update sheet and the report and update sheet considered by the Planning Committee in January 2015:**

Planning permission be granted subject to the conditions substantially in the form listed in the draft decision notice at the end of this report for the reasons set out in the report;

- (2) power to determine the final details of the conditions be delegated to the Head of Development Management and Regeneration.**

66 TALBOT HOUSE, TALBOT STREET

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 14/02526/PFUL3, submitted by Corstorphine and Wright of behalf of Lester Hotels, for the demolition of buildings except for the front section of Talbot House and the erection of new buildings of up to 8 storeys comprising studios, cluster flats and accessible flats and the conversion of the front section of Talbot House to provide student facilities.

The Committee also considered additional information contained in the update sheet, copies of which were placed around the table and which had also been published subsequent to the agenda publication.

During discussion, the Committee made the following points:

- (a) the proposals for the Talbot Street element of the scheme were acceptable to the Committee. However, councillors were concerned about several elements of the scheme as it affected Wollaton Street, including:
- the overbearing appearance and 'heaviness' of the proposed cladding;
 - the stark appearance of the proposed ground floor;
 - the massing at the lower South East end of the building;
 - the lack of lighting currently proposed for the overhanging element of the building;
- (b) in view of councillors' concerns regarding the Wollaton Street element of the scheme, the Committee agreed that a group comprising the Chair, Vice-Chair and Opposition spokesperson should be consulted further on detailed design for the appearance of this element of the scheme.

RESOLVED

- (1) subject to prior completion of a Section 106 Planning Obligation which shall include:**

- (a) a financial contribution of £153,007 towards the upgrade or improvement of open space or public realm within the city centre;**
- (b) a student management agreement;**

grant planning permission for the reasons set out in the report, subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;

- (2) delegate power to determine the final details of:**

- (i) **the terms of the Planning Obligation;**
 - (ii) **the conditions of planning permission to the Head of Development Management and Regeneration. The authority to approve the final details of the elevations and materials to be used, which are required to be discharged under proposed condition 5 of the Permission shall be subject to consultation with the Chair, Vice Chair and Opposition Spokesperson;**
- (3) **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.**

67 MAVILLE WORKS, BEECH AVENUE

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 14/02325/PFUL3 submitted by Zenith Planning and Design on behalf of Maville Court Ltd for the conversion of Maville House to 10 houses, erection of 8 new houses, conversion of an outbuilding to 4 houses (all within Class C3) and demolition of extensions and outbuildings.

During discussion, the Committee made the following points:

- (a) in response to a councillor's question, Mr Poole explained that the application was for the development of C3 properties, and that subletting to students was not permitted;
- (b) Mr Poole explained that the developers would normally put a management company in place to maintain the properties and their surroundings;
- (c) the Committee did not want the development to become a gated community;
- (d) there needed to be reference to provision of street lighting and waste disposal bins within the conditions applicable to the scheme.

RESOLVED

- (1) **subject to prior completion of a Section 106 Planning Obligation which shall include a financial contribution of £59,613.04 towards the upgrade or improvement of open space or public realm grant planning permission for the reasons set out in the report, subject to:**
- (i) **the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report,**
 - (ii) **an additional condition requiring that the matter must be brought back to this Committee if the developers wish make the development a gated community,**

- (iii) an amendment to proposed condition 5 of the Permission to address the outdoor management of the common parts of the site, landscaping, street lighting and bin storages;**
- (2) delegate power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission to the Head of Development Management and Regeneration;**
- (3) 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.**

68 2 FOXHALL ROAD

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 14/02652/PVAR, proposing a variation of condition 3 of planning permission 10/00311/PFUL to allow revised opening hours on a Saturday for a small repair garage.

During discussion, the Committee made the following points:

- (a) the variation seeks permission to extend the current Saturday opening times of 9am - 1pm to 9am - 6pm;**
- (b) the main issue for adjoining neighbours was the additional parking and noise disturbance, especially from power tools. There has also been correspondence received in support of the extension of the current opening hours;**
- (c) councillors spoke both in favour of and against the general principle of operating the garage from 9am to 6pm on a Saturday. However, a consensus emerged for the granting of temporary permission to open on Saturday afternoons for a period of 1 year, in line with the officer recommendation.**

During consideration of this item, Councillors Arnold and Chapman left the room and took no part in the discussion and did not vote on this item.

RESOLVED to

- (1) grant temporary permission to open on Saturdays from 9am to 6pm for a period of 1 year, subject to the conditions listed in the draft decision notice at the end of the report;**
- (2) delegate power to determine the details of the conditions to the Head of Development Management and Regeneration.**

69 TECHNOLOGY ENTREPRENEURSHIP CENTRE, UNIVERSITY OF NOTTINGHAM

Having previously made a declaration of interest, Councillor Graham Chapman left the room prior to consideration of the item.

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 14/03091/PFUL3, submitted by the University of Nottingham for a 3-storey Technology Entrepreneurship Centre.

The Committee also considered additional information contained in the update sheet, copies of which had been placed around the table and which had also been published subsequent to the agenda being published.

The Committee strongly supported the scheme, praising the striking, innovative design. The Committee noted the comments of the Environment Agency and agreed the additional conditions detailed in the update sheet.

During consideration of this item Councillor Choudhry left the room, and therefore took no part in the discussion and did not vote on the item.

RESOLVED to

- (1) grant planning permission, subject to the conditions listed in the draft decision notice at the end of the report as amended by the update sheet and the additional conditions listed within the update sheet;**
- (2) delegate power to determine the final details of the conditions to the Head of Development Management and Regeneration.**

WARDS AFFECTED: Dunkirk And Lenton

Item No:

**PLANNING COMMITTEE
18th March 2015**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

University Hospital NHS Trust Queens Medical Centre, Derby Road

1 SUMMARY

Application No: 15/00056/PFUL3 for planning permission

Application by: Maber Architects on behalf of Nottingham University Hospitals NHS Trust

Proposal: Multi-storey car park with helipad to roof.

The application is brought to Committee because it relates to a major application within the Queens Medical Centre (QMC) campus which is of significance in terms of the size and appearance of the proposed building and its importance as strategic enabling development required to facilitate Nottingham MediPark.

To meet the Council's Performance Targets this application should be determined by 13th April 2015

2 RECOMMENDATIONS

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

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

3 BACKGROUND

- 3.1 The application relates to the prominent site of the former nurses' accommodation at Curie Court, Harvey Court and Cavell Court within the QMC campus. Planning permission was granted in January 2011 for the demolition of the nurse's accommodation and the creation of a 636 space surface car park (planning ref: 10/03721/PFUL3) to serve both staff and visitors to the QMC.
- 3.2 The surface car park, constructed at the end of 2011, sits in the south west corner of the QMC campus to the south of the hospital's Diagnostic Treatment Centre. The current application site specifically relates to the northwest corner of the car park adjacent to the Occupational Health and hospital nursery building and the newly constructed NET tram viaduct. The main QMC building and a further staff car park lie beyond the tram viaduct, with the Clifton Boulevard flyover and the Dunkirk roundabout to the south and south east respectively. Residential properties are located on the opposite side of Clifton Boulevard.
- 3.3 Access to the car park is from the existing service road (South Road) which circulates the campus.

3.4 The site is located within Flood Zone 3.

4 DETAILS OF THE PROPOSAL

4.1 Planning permission is sought for a new multi storey car park (MSCP) with helipad. The MSCP is six storeys in height and would provide 713 parking spaces. The top, 'seventh' floor of the MSCP is allocated solely to the helipad. On the perimeter of the car park are 3 stair cores for access and means of escape. The larger of these, located to the north western elevation of the MSCP, accommodates two lifts which have been sized for stretcher trolleys, to transport patients from the helipad to the ambulance area at the base of the stair core. Support accommodation for the helipad crew which includes a mess room, changing area, toilets and showers is located in the main stair core below the helipad, on the sixth floor.

4.2 The MSCP would be available for both staff and visitors. Vehicles are to proposed enter and exit the MSCP directly from South Road, which runs between the front of the building and the new tram viaduct.

4.3 Three elevations of the MSCP are proposed to be clad in an expanded anodised metal mesh, coloured gold/bronze. The northeast elevation which faces the Occupational Health and nursery building is proposed to be clad in full height composite panels, coloured black/dark grey. This elevation is required to be fully enclosed to meet fire regulations, due to its proximity to adjacent buildings. Subordinate elements such as the stair cores are proposed to be clad in composite panels with infill profiled metal cladding, also coloured black/dark grey.

4.4 The MSCP is intended to be illuminated at night with up-lighting to the mesh facades, which has the potential to include changing colour. Strip lighting is also proposed to the underside of the helipad to create a halo at the top of the MSCP. The helipad itself will be illuminated in the event of a helicopter landing; this would be limited to landing lights and floodlighting to the surface of the helipad.

4.5 The helipad has been designed to accommodate upto the size of a Sikorsky S-92 helicopter, which is the replacement for the decommissioned Sea King search and rescue helicopters. This is the largest helicopter likely to land on the helipad, however the smaller Augusta Westland AW0189 and Eurocopter EC-135 helicopters are the more common types used for inland air ambulances. Two alternative flight approach paths onto the helipad are proposed, from an easterly and westerly direction, to allow for changes to the prevailing wind conditions. Currently the QMC receives 1-2 helicopters per day that land at either Highfields Park on University Boulevard or the airport at Tollerton, patients are then transported by ambulance to the QMC. With the new helipad it is expected that the number of landings will increase to 3-4. Initially the helipad would only be used in daylight hours however, it is planned to ultimately become a 24/7 operation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised on site and in the press. The expiry date for comments was 11.02.2015.

The following have been notified of the application directly:

21,21A,B and C,23-39 (odd) 43,45 and Merrivale Nursery School, Clifton Boulevard
1-8 and 10, 12, Highfield Road
1-17 (odd) and 12-18 and 18A (even), Ednaston Road
11 and 9, City Road
60 Lace Street
Institute of Pharmaceutical Sciences, University of Nottingham

No comments have been received in response to the neighbour consultation exercise.

One letter of support has been received from NHS England who commission a significant number of specialised services at Nottingham University Hospitals NHS Trust (NUH), including major trauma. The provision of an on-site roof top helipad is considered to be of benefit to the wider population of the East Midlands when accessing clinical services at NUH. The specialised commissioning team NHS England NUH wish to register their support for this service.

A further letter of support has been received from the Chairman of Nottingham Means Business (NBS), an organisation charged with promoting and strengthening the economy of Nottingham and stimulating inward investment. MediPark is seen as capable of harnessing the resources of one of the largest teaching hospitals in Europe, along with the adjacent University and nearby Boots campus, to help the life sciences sector grow and flourish. To realise this opportunity the new MSCP is seen as playing a key role in unlocking MediPark and NBS wish to commend the proposed development to the Council. The QMC is itself seen as a major health facility serving the city and region and enhanced car parking, linked to the expanded tram network, with an onsite helipad is welcomed.

Additional consultation letters sent to:

Noise & Pollution Control: No objections. Recommend conditions requiring a remediation strategy, details of piling or other foundations and a noise management plan.

Highways: No objections. Recommend conditions requiring the submission of a car park management strategy, drainage details, cycle parking and provision of updated annual Travel Plan information.

Highways Agency: No objections.

NET Team: General support for the scheme. Given the proximity of the tram to the development and in particular the helipad, the NET Team recommend conditions requiring a construction management plan and production of a risk assessment in relation to the operation of the helipad.

Urban Design: This is a large scale, prominent building and there is concern that it could appear monotonous and lack definition. It was considered that the breaking up of the cladding needed to be explored and verticality introduced to address the monotony. This could be achieved by introducing some sculpting of the cladding, alternating of the panels between the horizontal and vertical, looking at the use of different sized panels and the use of different colours. Highlighting features like the helipad and stair tower may also help. Lighting of the building needs to be

considered. It was also considered that there was the potential for the building to offer more in terms of its sustainability credentials.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to actively drive and support sustainable economic development; encourage the efficient use of land by reusing brownfield land; taking full account of flood risk; secure high quality design; support the transition to a low carbon future; contribute to reducing pollution; to manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.3 Paragraph 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 schemes which raise the standard of design.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 To prevent unacceptable risks from pollution, paragraph 120 identifies that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Paragraph 103 requires that it should be ensured that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
- 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.

Aligned Core Strategies (ACS) (September 2014)

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

Policy A: Presumption in Favour of Sustainable.

Policy 1 - Climate Change.

Policy 4 – Employment Provision and Economic Development.

Policy 10 - Design and Enhancing Local Identity.

Policy 14 – Managing Travel Demand.

Nottingham Local Plan (November 2005):

CE6 - Expansion of Hospitals/Medical Centres.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development
- (ii) Design considerations
- iii) Highways considerations
- (iv) Impact upon amenity
- v) Flood risk

(i) Principle of the development (Local Plan policy CE6 and ACS policy A and 4)

- 7.1 The current application for a new MSCP with integral helipad at the QMC is effectively ‘enabling development’ to help facilitate the delivery of the Nottingham MediPark.
- 7.2 The Committee will recall that in 2009 outline permission was approved for a specialist business park on land at Abbey Street adjacent to the QMC. The MediPark concept followed from Nottingham’s designation as one of the UK’s 6 Science Cities and sought to harness the business development potential of a key site adjacent to the QMC, Medical School, University of Nottingham, tram extension and close proximity of the Boots campus. The outline consent for circa 40,000m² of business accommodation was to be developed over a 10-15 year programme. At the time the project was sponsored by the East Midlands Development Agency (EMDA) and promoted by Blueprint as their developer. It was envisaged that the initial phase of development would take place on land occupied by Bell Fruit, who were to have been relocated. Since then, with the demise of EMDA as principle funder and Bell Fruit becoming a vibrant business in the digital sector, the project has stalled. However, with the new Nottingham Growth Plan targeting the life sciences as a major opportunity for investment and employment growth, and with the Government declaring in 2011 a new generation of Enterprise Zones, including the Nottingham MediPark, this has presented an alternative delivery strategy.
- 7.3 Given that over half of the proposed MediPark site is owned by the hospital and operates as a surface level staff and visitor car park (on the former Hooley’s site), it

has been agreed by the Nottingham University Hospitals Trust (NUHT) Board that they will release the site for an initial phase of MediPark, but only when their parking needs are replaced elsewhere. This would also allow Bell Fruit to remain in situ as a complementary digital business. NUHT has recently been working with the City Council, the D2N2 LEP (who manage the Enterprise Zone), the Air Ambulance Charity and CLG to assemble a funding package to re-provide the hospital car park within the grounds of the QMC, and ensure that the initial phase of the business park is remediated and fully serviced for potential occupiers. This comprises circa £8 million from D2N2 LEP and CLG, with further contributions of £2million to be made by both the NUHT and air ambulance charities.

- 7.4 The new MSCP would therefore replace (on a like-for-like basis) the staff and visitor parking lost to the future MediPark development and tram extension that now passes across the site. Alternative locations within the campus for the MSCP were considered, including the site of the former MSCP (demolished due to structural problems) alongside the River Leen. The preferred site was selected as it best offers the potential to safely integrate a helipad on the upper level. As the regional trauma centre the QMC is required to provide access for the air ambulance service. This currently uses University land at Highfields Park but this will not be available once the tram is operational. NUHT has therefore taken the opportunity to create a dedicated high level helipad for air ambulance use on top of the proposed new MSCP. The specific position and orientation has been planned to meet flightpath safety requirements, the re-use of the existing service road and to encourage integration with the tram stop and proposed new southern entrance into the hospital.
- 7.5 The MSCP and helipad are to be located within the QMC campus where policy CE6 of the Local Plan supports the provision of health facilities and directly related infrastructure. The proposal would also comply with policies A and 4 of the ACS.

(ii) Design considerations (ACS policy 10)

- 7.6 This part of the QMC campus is highly prominent from the surrounding area to the south and east. There are also long distance views into this part of the campus due to the elevated position of Clifton Boulevard flyover, with the main QMC building forming a landmark building when travelling into the city from the south. The MSCP and helipad, as a large scale building, would be highly visible within this context. From the south and east the MSCP would be seen against the backdrop of the main QMC building, the new NET tram bridge and the large scale University buildings on the opposite side of Clifton Boulevard, with the newly built NUASt building sitting in the foreground. It is, therefore, considered that the scale, height, and massing of the proposed development is appropriate to its position and context.
- 7.7 The elevational treatment of the MSCP has been influenced by the requirement that the car park cannot have entirely open elements, to maintain the safety of vulnerable patients in the hospital, but is also required to allow natural ventilation. The use of a high quality expanded metal mesh would fulfil both of these requirements whilst providing some interest due to its metallic, gold/bronze anodised finish, which would change in different light conditions. Close up views would show the mesh to have a very textual feel, but at a distance it would appear more solid; the size of the aperture within the mesh can be altered and the intention is to select the right solution to balance these two characteristics. The elevational treatment has been kept deliberately simple to provide a clean and elegant

aesthetic. Illumination of the mesh would provide a strong visual interest at night, details of which would be dealt with by condition.

- 7.8 In response to comments made by Urban Design, measures to break up the cladding and introduce verticality into the elevations have been considered by the applicant. The option of manipulating the cladding to change the plane of the mesh has proved to be prohibitively expensive and incompatible with the tight funding restrictions. Other affordable options include changing the size and orientation of the mesh panels, the size of the mesh aperture and the use of different colours for the mesh. CGI's showing these different options and a sample board of proposed materials is to be provided for review by Committee.
- 7.9 Subject to the final details of the external materials being agreed by condition, it is considered that the siting and design of the proposed building would comply with Policy 10 of the Aligned Core Strategy.

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

- 7.10 In 2008 the QMC campus began operating with substantially reduced parking spaces due to the forced closure of its original MSCP, which provided 650 spaces out of a total of 2289 parking spaces on the campus (including the Hooley's car park). The provision of a 150 space surface car park on the site of the former MSCP in 2010, together with the delivery of the 645 space Curie Court surface car park in 2011, redressed this situation in the short term. However, since 2012 the construction of NET has required NUHT to commit an increasing portion of the Hooley's car park (664 spaces) for use as a construction compound, and ultimately this will be lost permanently to NET and Medipark.
- 7.11 The proposed MSCP would provide almost like for like replacement of the parking spaces lost on the Hooley's site as a result of NET and MediPark.
- 7.12 There would be no changes to how the QMC campus will be accessed from the wider highway network. Improvements are proposed to pedestrian routes from the car park, across South Road to the QMC building beyond. The provision of 25 sheltered cycle parking stands to the north elevation of the MSCP is also welcomed.
- 7.13 The Travel Plan and Parking and Access Strategy document submitted as part of the application is considered to be acceptable. There is however a need for some parts of the Travel Plan to be updated through the submission of an annual monitoring report, covering up-to-date data on staff and patient travel behaviour, which can be dealt with by condition.
- 7.14 In light of the above and given the close proximity of the two car parks, it is not considered that the re-provision of a similar number of parking spaces from the Hooley's site to the new MSCP would have a material impact on traffic generation to the QMC campus. Highways support the conclusions of the submitted Transport Statement and consider that the MSCP would not have a detrimental impact on the operation of the adjoining highway network, subject to the submission of a car park management strategy which can be dealt with by condition.
- 7.15 The proposal therefore complies with Local Plan policy T3 and ACS policy 14.

(iv) Impact upon amenity (Local Plan NE9 and ACS policy 10)

- 7.16 The position of the new MSCP within the QMC campus sets it apart from surrounding residential areas and would therefore not have a detrimental impact upon neighbours' amenities.
- 7.17 The QMC currently receives approximately 1-2 air ambulances per day. With the new helipad the frequency of air ambulance would increase but would still remain low, with on average up to 3-4 air ambulances anticipated per day. Initially the helipad would only be operational in daylight hours but ultimately this will become a 24/7 operation, although night time operations would be rare.
- 7.18 The helipad would play a vital role as part of the accident and emergency service for the East Midlands. The siting, design and construction of the helipad would be strictly in accordance with current standards and code of practice. Aviation noise is a specific exemption from the legislation associated with statutory nuisance and once a helicopter is off the ground, the responsibility for limiting / minimising noise falls to the Civil Aviation Authority.
- 7.19 Noise and disturbance would be minimised by the location of the helipad on one of the highest parts of the campus, by planning flights to avoid unnecessary low transits over residential areas and due to the duration of noise events being relatively short. A Noise Management Plan is recommended and would be secured by condition, to ensure that the design and operating procedures of the helipad minimise disturbance and disruption to residents on the flight path and near the QMC, particularly at night. This will identify the person responsible for recording, investigating & dealing with complaints from any residents.

v) Flood risk (Local Plan policy NE10 and ACS policy 1 and NPPF)

- 7.20 The development is within Flood Zone 3a (having a 1 in 100 year or greater probability of flooding) and as part of the QMC campus the overall site would be classed as a highly vulnerable use (although the proposed car park is itself classified as a 'less vulnerable' use). The helipad being located on top of the MSCP would not be within the floodplain, however it's successful operation depends on access and egress within the floodplain and would therefore be classified as a 'more vulnerable' use.
- 7.21 The applicant has submitted evidence that satisfactorily demonstrates that this is a sequentially appropriate site in line with the NPPF and would also meet the subsequently applied exceptions test. The MSCP is required to meet the current parking needs of the QMC in terms of staff and patients and therefore needs to be positioned within the hospital campus itself. Furthermore, given its large size, no alternative sites can be found within the campus to accommodate the development which would be of a lower risk of flooding.
- 7.22 In terms of the proposed helipad, there are no reasonably available alternative locations for this facility within the hospital campus or immediately nearby. Sites further afield would fail to achieve the patient transfer times that are critical for successful patient treatment and recovery and a key driver of the project. Furthermore, upon completion of the NET the currently used site at Highfields Park will not be available. The helipad is also located at the optimum position to suit helicopter flight operations and to be as close as possible to the Accident & Emergency Department.

- 7.23 Details of surface water drainage designed to include sustainable drainage principles and provide a 30% reduction in run off are proposed to be dealt with by condition.
- 7.24 The proposal would therefore comply with Local Plan policy NE10 and ACS policy 1 and NPPF.

8. SUSTAINABILITY / BIODIVERSITY (ACS policy 1)

- 8.1 The applicant has considered the introduction of photovoltaic (PV) panels and green walls to the MSCP to improve its green credentials.
- 8.2 There are no significant areas of available flat roof on the building due to the helipad and the need for the remaining area to be kept clear of obstruction on safety grounds. Any PV panels would therefore have to be positioned on a vertical façade rather than at a 30 degree angle on a south facing roof, which is the optimum configuration. The panels would therefore not be as efficient and a secondary steelwork frame would be required to support the panels, rather than merely the lightweight aluminium mesh, which would significantly increase the cost of the steelwork and cladding package. Furthermore, if a significant area on the elevations was to be overclad with PV panels then mechanical ventilation might be required, which would have high installation and running costs and reduce the overall sustainability of the development.
- 8.3 In terms of any form of vertical planting to the elevations, the applicant considers that this would not be a viable option. It is unlikely that the NUHT would be able to adequately maintain such an installation or have the funds to do so.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

The building would be fully accessible.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

World Class Nottingham – Would facilitate regeneration of a strategic employment site in the form of MediPark, an international centre for business in the health and wellbeing sector

Working Nottingham – Providing new employment opportunities within the City

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: 15/00056/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NI25YFLY00L00>

2. Highways comments 27.02.15.

3. Email from Noise and Pollution Control dated 26.01.15.

4. NET Team comments 10.02.15 and 11.02.15.

5. Letter from NHS England dated 11.02.15

6. Letter from the Chair of Nottingham Means Business dated 27.02.15

7. Letter from the Highways Agency dated 29.01.15.

8. Urban Design comments 15.01.15

9. Letter from NHS England 11.02.15.

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

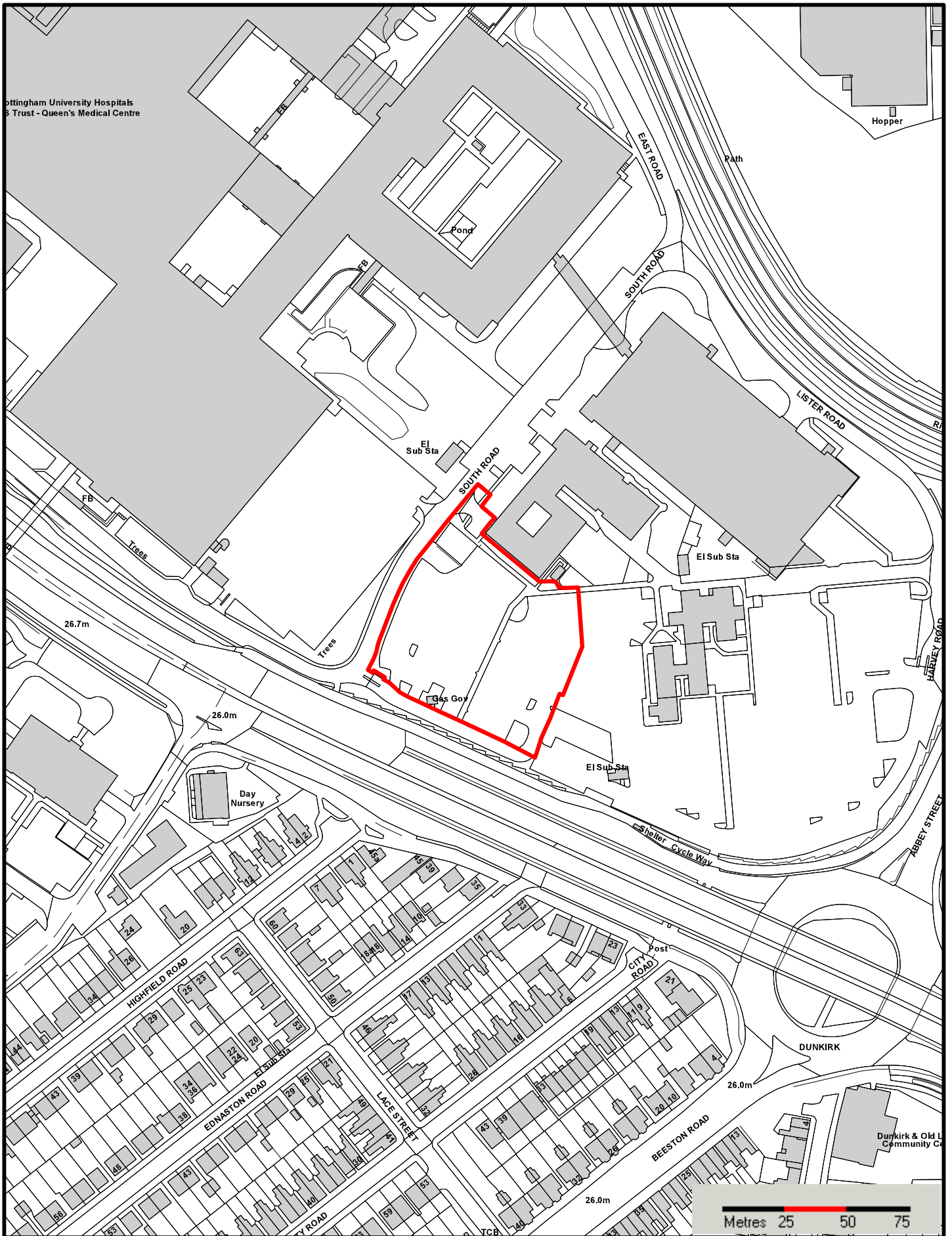
Aligned Core Strategies (September 2014)

National Planning Policy Framework (March 2012)

Contact Officer:

Mrs Jo Briggs, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 876404



Nottingham University Hospitals
Trust - Queen's Medical Centre

Hopper

EI Sub Sta

EI Sub Sta

EI Sub Sta

Day Nursery

Gas Gov

Chapeller Cycle Way

DUNKIRK

Dunkirk & Old L
Community C

Metres 25 50 75

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My Ref: 15/00056/PFUL3

Your Ref:

Contact: Mrs Jo Briggs

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Maber Architects
FAO Mr Andrew Purvis
St. Mary's Hall
17 Barker Gate
Nottingham
NG1 1JU

Date of decision:

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

Application No: 15/00056/PFUL3
Application by: Nottingham University Hospitals NHS Trust
Location: University Hospital NHS Trust Queens Medical Centre, Derby Road, Nottingham
Proposal: Multi-storey car park with helipad to roof.

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

Time limit

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

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

Pre-commencement conditions

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

2. No development shall commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground and ground gas contamination of the site has been submitted to and be approved in writing by the Local Planning Authority:

a) A Site Investigation, based on the Preliminary Geo-Environmental Desk Study by ARUP dated 09/01/2015 (ref 231637-00), and a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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 Method Statement detailing how the development works are to be carried out, including details of any construction works which may have an impact upon NET infrastructure or operations (including cranes over sailing the tramway and storage of plant and materials adjacent to / beneath the viaduct), has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of NET safety and amenity and in accordance with the aims of Policy 14 of the Aligned Core Strategy.

4. No development shall commence until a large scale sample panel of all proposed external materials to be used has been erected at a location to be agreed with the Local Planning Authority and which shall be retained during the course of the development works. Confirmation of the proposed external materials and design pattern shall be submitted to and approved by the Local Planning Authority in writing before any development commences.

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

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.

5. No development shall commence until a detailed Drainage Strategy, based on sustainable drainage techniques (SuDS) has been submitted to and approved in writing by the Local Planning Authority.

The Drainage Strategy shall provide for a minimum 30% reduction in surface water run off over the pre-development rates.

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with the aims of Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

6. No development shall commence until a scheme to improve pedestrian linkages between the car park and the entrance to the QMC have been submitted to and agreed in writing with the Local Planning Authority.

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

Reason: To provide improved pedestrian linkages in accordance with the aims of Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

Pre-occupation conditions

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

7. The development shall not be brought into use until details of hard surfacing for those parts of the site which are not be soft landscaped, to include the use of permeable surfacing, have been submitted to and agreed in writing with the Local Planning Authority.

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

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

8. The Helipad shall not be brought into use until a detailed Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority.

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

- Minimise noise arising from operational activities by technical and physical means, and through management best practice;
- Be communicated to all stakeholders;
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from any residents;
- Set out proposals for the regular review of the Noise Management Plan.

Reason: In the interests of residential amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan.

9. The development shall not be occupied until the following has been submitted to and approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, approved under condition 2, 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, approved under condition 2, 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.

10. Notwithstanding the submitted information, the development shall not be occupied until details of a Car Park Management Strategy have been submitted to and approved in writing by the Local Planning Authority.

The Strategy shall include updated drawings and details of how traffic will access, and circulate the car park, charging for staff and visitor parking, specifications for the operation of the car park, the allocation of spaces, operating hours, and other details that affect the use of the car park.

The approved Strategy shall be adhered to at all times when the car park is in use.

Reason: To enable vehicles to enter and leave the Car Park in a slow and controlled manner in the general interests of highway and pedestrian safety within the QMC campus, in accordance with the Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

11. The development shall not be occupied until details of a Lighting Management Strategy for the building, have been submitted to and approved by the Local Planning Authority. The Lighting Management Strategy shall make reference to the range of lighting effects and colours that are to be used, the frequency of any colour change, maximum luminance levels, and the hours of operation throughout the year. The lighting scheme shall be implemented before the approved development is occupied and shall thereafter be operated in accordance with the approved Lighting Management Strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the lighting of the building is managed in the interests of the amenity of the area and in accordance with Policy 10 of the Aligned Core Strategy.

12. The development shall not be occupied until the additional sheltered cycle parking, as shown on Maber drawing number: 2494QMC-MA-00-ZZ-DR-A-00104 P08, has been installed along the northern elevation of the new car park.

Reason: In the interests of sustainable travel and in accordance with the aims of Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

Regulatory/ongoing conditions

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

13. The Approved Travel Plan and Parking and Access Strategy shall continue to be implemented as long as any part of the development is occupied. An annual report shall be submitted to the Local Planning Authority no later than 1 month following the anniversary of the first use of the development for a period of 5 years. The annual report shall include a review of the Travel Plan measures, monitoring data for both staff and visitors and an updated action plan.

Reason: In the interests of sustainable travel and in accordance with the aims of Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

14. Piling or any other foundation designs using penetrative methods shall not be permitted unless otherwise agreed in writing by the Local Planning Authority, including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers.

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

Reason: In the interests of public health and safety and in accordance with the aims of Policy 10 of the Aligned Core Strategy and Policy NE9 and NE12 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 12 January 2015.

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. Contaminated Land, Ground Gas & Groundwater

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

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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



DRAFT ONLY

Not for issue

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

5. Noise Management Plan

The applicant must adhere to the agreed Noise Management Plan while the premises remain operational.

6. A copy of the NET Team's 'Emergencies During Work Near NET' leaflet is appended.

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: 15/00056/PFUL3

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
18th March 2015

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Land To Rear Of And Including Banton House, Meadow Lane

1 SUMMARY

Application No: 13/02877/PFUL3 for planning permission

Application by: Hunter Page Planning on behalf of Meadow Lane Regeneration Limited And Canal & River Trust

Proposal: Demolition of existing structures and the redevelopment of the site to form 95 dwellings, 385sq.m of retail and cafe floorspace (Class A1/Class A3), new vehicular access and parking, new waterfront pedestrian and cycle path, and public open space.

The application is brought to Committee because it is a major application, with Section 106 obligations, which raises important local issues.

To meet the Council's Performance Targets this application should have been determined by 11th March 2014

2 RECOMMENDATIONS

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

- (a) prior completion of a Section 106 planning obligation which shall include:
 - i) A financial contribution of £83,461 towards educational provision;
 - ii) The provision of travel information packs for each dwelling, together with funding for the provision of initial Kangaroo travel passes on request (equating to a maximum financial value of £52,317);
 - iii) A financial contribution of £10,000 towards the making, advertising and confirming (if appropriate) of a traffic regulation order to control parking within the development;
 - iv) The on-going management and maintenance of areas of open space within the development;
 - v) Permission to use the foot/cycle path provided along the riverside.
 - vi) Measures to secure access from roads within the development to development on adjoining land;
 - vii) The grant of a licence to allow the future construction of a pedestrian bridge link over the Tinkers Leen;
 - viii) Subject to a further viability appraisal, a financial contribution towards the provision of affordable housing.
- (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. 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 between Meadow Lane and the River Trent. It is 'L-shaped' with a short frontage onto Meadow Lane and a longer frontage onto the river. Adjoining the site and with frontages onto Meadow Lane is a dairy distribution centre; Heston House which is used for car hire and storage; and land to the east of Heston House which is used as a boatyard brokerage for the sale and repair of boats. Also adjoining the site on Meadow Lane and bounding the Nottingham Canal is Meadow Close, which is a 1980s development of two-storey residential properties. Adjoining and fronting onto the canal are offices and research buildings used by the Environment Agency. Facing opposite across Meadow Lane is Notts County Football Club stadium.
- 3.2 The site has been substantially cleared of all of its former storage buildings and has no relevant recent planning history.

4 DETAILS OF THE PROPOSAL

- 4.1 The application is for the demolition of the remaining existing buildings to the eastern/riverside corner of the site and the redevelopment of the whole site for 95 dwellings (75 apartments and 21 townhouses), plus 385sq.m of retail and cafe floorspace (Class A1/Class A3). Vehicular access to the site is to be provided off Meadow Lane at the point of the existing access, with parking spaces being provided for the proposed development plus a section of new pedestrian and cycle path along the riverside and other elements of public open space.
- 4.2 The proposed housing includes a mix of apartment and townhouses ranging from 1 to 4 bedrooms. The detailed configuration of the proposed dwelling types is:
 - 28 x 1-bed apartments
 - 31 x 2-bed apartments
 - 3 x 3-bed apartments
 - 12 x 3-bed duplex apartments
 - 5 x 3-bed townhouses
 - 16 x 4-bed townhouses
- 4.3 The layout provides a series of 5 storey pavilion buildings that are arranged along the riverside boundary of the site, with a further single 5 storey pavilion fronting onto Meadow Lane. Terraced blocks of 3 and 4 storey townhouses are laid out perpendicular to the pavilion blocks to form a street between Meadow Lane and the riverside edge and with the prospect that this layout can be continued onto the adjacent sites.

- 4.4 A total of 83 car parking spaces are being provided, with a mixture of on-street parking, spaces within the undercroft/ground floor area of the pavilion buildings, courtyard parking and integral garages within some of the townhouses.
- 4.5 The layout also includes areas of public open space, play space and the continuation of the canalside path onto a first section of the riverside. Street trees and landscaping are also provided throughout the layout.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

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

It is to be noted that a number of the comments received were made in response to the initial consultation. These comments have been included and dated in order that they are appropriately recognised. A full reconsultation on the application was issued on 19 December 2014.

Neighbour, 9 Meadow Close (18.12.13): Support the redevelopment in principle. Concerned by the height of Block A1 block of flats and any overlooking or loss of natural light. Object to proximity of proposed commercial bin store area to property.

City Resident (17.12.13): Support redevelopment of a derelict brownfield site in a prime waterfront location. Consider that the design of the proposed apartment buildings is recognisably modern but avoids a bland 'square box' appearance. Strongly support restoration of the waterside including the provision of the new riverside footpath.

Notts County Football Club (6.5.14): Have not been consulted by the applicant in the formulation of these proposals. Concern that the proposals cannot have taken into account the operation of the Club's activities with particular reference to match days, including temporary local road closures/diversions/parking restrictions. Match day issues should be included within the draft Travel Plan.

The applicant also held a public consultation event and exhibition at Notts County Football Stadium on 16.10.13 prior to the submission. It is advised that 32 members of the public attended the event, with 16 completing a survey questionnaire. The majority of respondents are stated to have been in support of the regeneration of the site, with minor concerns being noted regarding parking, lighting, flooding, and the management of construction traffic.

Additional consultation letters sent to:

Pollution Control (8.1.15): No objection subject to conditions including contamination remediation, specification of sound insulation, and noise assessment of plant and equipment associated to commercial elements. The Supplementary Noise Assessment takes into account football events and further monitoring of the neighbouring dairy site has been carried out. The report recommends significantly enhanced glazing and ventilation to various facades of the development.

Highways (5.3.15): Interim response. No objections in principle subject to conditions. The submitted highway layout plans are not yet agreed and are in the process of being revised. It is expected that agreement will be reached in time for

Committee. Traffic Regulation Orders will be required to prevent parking by football traffic and to control speed. Commuted sums will be required for the maintenance of street trees. The proposed cycle and pedestrian walkway adjacent to the river should be a privately maintained path to which the public will have access by permission. The continuation of the path onto future phases of development must be secured. The site has generally good accessibility, including cycle provision. The implementation of the Travel Plan, including the provision of Kangaroo travel passes for residents is required. Drainage details are required and are recommended as a condition of consent.

Environment Agency (6.1.15): No objection subject to conditions including the setting of minimum floor levels.

Housing Strategy (30.1.14): Concerned that no affordable housing is being provided due to the increased costs of development in this location. Have noted the potential to accommodate a reduced amount of affordable housing of a more affordable tenure, e.g. shared equity.

School Organisation Team: The development falls within the Farnborough catchment area (Clifton and The Meadows) for secondary schools. There are currently sufficient secondary places in the area and, although the high numbers in primary schools will soon begin to move up to secondary level, projections show that Farnborough should be able to cope with the relatively low number of pupils generated by this development and therefore no funding re secondary schools is being sought.

The development falls within the Greenfields Primary catchment area for primary aged pupils and within The Meadows reorganisation area for the City. There is currently a shortage of Reception places across the City. Additional spaces have already been added into the area. Even with these increases the latest figures show that the three schools in this area are all projected to be either full, nearly full or oversubscribed in Reception groups for the foreseeable future. Any significantly sized development in the area is likely to cause extra pressure on these schools and a S106 contribution of £83,461 is being sought for the provision of additional places.

Biodiversity (20.1.15): Concerns. Proposed open space is hidden in a corner, adjacent to 2 parking areas and is not well overlooked. The opportunity to provide 'green' frontage along the river and an 'accessible green corridor providing wildlife and community value' is being missed. A mitigation plan for the Beeston Canal Local Wildlife Site is also required.

Rushcliffe Borough Council (7.3.14): No objection. Recommend that further consideration is given to the impact of the proposals on those who use the River Trent for leisure activities, in particular the rowing and canoe clubs who regularly use the river.

Nottingham Regeneration Limited (24.12.13): A few concerns exist around the application, namely traffic calming along Meadow Lane considering the residential nature of the scheme, residents parking especially on match days, relationship with neighbouring/retained buildings and its treatment albeit temporary as the adjoining sites are acquired. We are confident these issues can be dealt with through the course of the application.

The riverside walkway builds upon the infrastructure work undertaken at Meadow Lane Lock and contributes to the vision of a river walk along the north bank of the Trent. The application should contribute to the place making and neighbourhood creation NRL have long been seeking to promote in the Waterside. Overall the scheme provides a sustainable residential solution in an area targeted for regeneration and as such is welcomed by NRL.

Nottingham Design Review Panel (16.10.13): The Panel applauded the approach to the scheme as a well-reasoned, sensible strategy and welcomed the ambition of the design concept and the aspiration to achieve a high quality, vibrant waterfront development.

The Panel acknowledged the challenges of the site, particularly in the delivery of a high density scheme on a constrained site. The Panel were confident that the site had significant potential in creating a distinctive waterfront development offering a desirable place for urban living.

The Panel considered that the main issues to be addressed were:

- Improving the integration of parking spaces within the layout to avoid a car dominated scheme, including consideration of the density of development.
- The need for a high quality design of the pavilions, ensuring that they do not dominate the river edge, restrict the view of the river or overshadow the rest of the scheme.
- The need for a gateway/landmark building on Meadow Lane to mark the entrance to the site.
- The need for a building of special architectural quality at the canal lock to take advantage of the waterside location and create a sense of place.
- Re-siting of the children's play space and further details of the public spaces to be incorporated into the scheme, with the need for high quality landscaping.
- Establishing good pedestrian connections to the riverside, and treatment of the river edge.
- Phasing of the development and the incorporation of the scheme into a wider masterplan to enable a comprehensive approach to the site.

The Panel strongly encouraged exploiting the south facing waterside location of the site, recommending further design work on the elevations of the apartment blocks to address the waterside and Meadow Lane. The consideration of a richer mix of commercial uses was also welcomed.

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 Paragraph 49 states that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.4 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.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 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):

ST1 - Sustainable Communities.

H2 - Density.

H5 - Affordable Housing.

MU7 - Waterside Regeneration Zone Sites. (MU7.3 Meadow Lane Site)

R2 - Open Space in New Development.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

Waterside Regeneration Interim Planning Guidance – November 2001

Aligned Core Strategy (September 2014)

Policy 1 - Climate Change

Policy 7 - Regeneration

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Policy 17 - Biodiversity

Waterside Regeneration Interim Planning Guidance – November 2001

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

- (i) The development will provide for the appropriate regeneration of the area.
- (ii) The overall density and layout of development is appropriate for this location.
- (iii) The scale and design of the buildings and open spaces will provide a strong sense of character and identity.
- (iv) The highway impacts of the proposed development have been appropriately addressed.

Issue (i) Regeneration (Policies ST1, MU7/MU7.3 and Policy 7)

- 7.1 The application site falls within the Waterside Regeneration Zone and is an allocated site for mixed use redevelopment (MU7.3).
- 7.2 The regeneration policies of the Local Plan and Aligned Core Strategy positively promote development proposals which contribute to the creation of a new mixed use neighbourhood at Meadow Lane, with appropriate supporting facilities and strong links to surrounding communities and the riverside. Improved Green Infrastructure connections, including a continuous footpath and cycleway and improved pedestrian and cycle access to the city centre and to surrounding communities will be required (Policy 7c). Policy ST1(d) also supports the use of previously developed land in the context of the formation of sustainable communities and a successful economy.
- 7.3 The challenges in developing sites of this nature and size remain significant. In clearing the majority of the site, the applicant has provided the conditions where the redevelopment potential of the site can be better appreciated, and particularly its waterside setting. Whilst the proposed development is substantially residential in its mix, it does provide for elements of commercial use where these are most likely to be viable, including an element onto Meadow Lane. The provision of further commercial opportunities along Meadow Lane within future phases of development, and potential for other uses to be included within the structure of these primarily residential schemes, can also be expected to be realised as the capacity of the area increases. At this point in time it is appropriate to encourage a start to the

regeneration of the area through the provision of a development of good quality mixed housing that is to an appropriate density, layout and design. It is considered that this will provide a suitable basis for the further phased regeneration of the Waterside area. It is therefore considered that the proposed development accords with Policies ST1, MU7/MU7.3, and Policy 7.

- 7.4 The Waterside Regeneration Interim Planning Guidance provides strategic guidance in relation to the redevelopment of the area. This policy document was prepared in 2001 and should be afforded only moderate weight. The interim guidance notes that early phases of regeneration at Meadow Lane area will be residential led with the majority being apartments and with some town house type development. It is considered that the proposed development is in accordance with the overall aims of this guidance document.

Issue (ii) Density and Layout (Policies H2, R2 and Policies 8 and 10)

- 7.5 The proposed overall density of the whole development would be 79 dwellings per hectare. Whilst this exceeds the density range of 30-50 dwellings per hectare noted in the justification to Policy H2, this higher density is considered to be appropriate to the sites' location, which is reasonably accessible and also benefits from its riverside setting. The justification for Policy H2 also notes that higher density development requires particularly high standards of design and layout if it is to be attractive to occupiers, which is considered at Issue (iii) below.
- 7.6 The proposed layout indicates that it is intended that it will form a first phase of development that could be continued onto adjacent sites. As such, that applicant is attempting to establish an urban grain that can provide a template for the comprehensive regeneration of this section of the Waterside area between the canal and ultimately up to Lady Bay Bridge. A clear hierarchy of streets and connections is being formed, with visual links being provided between Meadow Lane and the river.
- 7.7 Streets within the scheme are designed as shared surfaces to give priority to residents and pedestrians. The provision of street trees and boundary walls to the front of houses will also provide landscape features and appropriate interest to the street.
- 7.8 A hard landscaped edge to the riverside will enable the provision of a publicly accessible path which is to be established as a key element of public realm within the scheme. The path will continue along the riverside frontage of the site and onto adjacent future development sites. The applicant is to grant a licence to permit the future construction of a pedestrian and cycle bridge over the opened up Tinkers Leen at the boundary of the application site, which would be required as part of the future development of the adjacent site. Pockets of informal open space are also to be included at points along the riverside and within the site.
- 7.9 The layout of the proposed development is considered to have a clear and strong urban form. The townhouses all address the street and are structured in a manner that will provide interest along its length. The siting of the proposed pavilion apartment buildings at the end of the street and fronting onto the riverside also adds strength and character by providing appropriate focal points within the scheme and prominent markers along its riverside edge.

- 7.10 It is considered that the proposed density and layout of the development is appropriate to the site and area and accords with Policy H2, R2 and Policies 8 and 10.

Issue (iii) Scale and Design (Policy 10)

- 7.11 The proposed development comprises a series of individually designed 5 storey pavilion buildings and a range of individually designed terraces of 3 and 4 storey townhouses. Within this individual approach the buildings have a common contemporary aesthetic.
- 7.12 All of the buildings are to have traditional brickwork facades, with large window openings on all of the primary facades and employ the controlled use of other materials including powder coated metal panels and timber cladding. It is considered that the use of a consistent palette of good quality materials is important to help create the desired sense of character and place to the development.
- 7.13 Recessed balconies and roof terraces are also provided to add further elements of interest, providing depth and solar shading at appropriate points on the south facing elevations.
- 7.14 At present there are no significant aspects to the site and surrounding area that could be used to guide the proposed scale and design of the development. It is considered that this has been thoughtfully considered and that an appropriate scheme is being provided that will help to establish a character and identity to the development which could also be continued across onto adjacent sites. It is considered that the proposed the pavilion and townhouse buildings are of an appropriate scale to their riverside and street settings and that their designs are appropriately varied and yet controlled through their common typology and use of a limited palette of materials.
- 7.15 The design of Block A1, adjacent to the neighbouring existing properties on Meadow Close, has been amended in response to the concerns of a neighbour, with the terrace area to apartments on the first floor being reduced to prevent overlooking, and access to the bin storage area being revised to an internal arrangement. It is considered that the scale of this block is appropriate to the street and would not cause any significant loss of natural light to this neighbour.
- 7.16 It is considered that the proposed scale and design of the development is appropriate to the site and area and, in association with the aspects of density and layout above, will create a cluster of distinctive contemporary dwellings that will also guide the future quality of later phases and wider regeneration of the waterside area. The proposed development is, therefore, considered to accord with Policy 10.

Issue (iv) Highway Impacts (Policy T3 and Policy 14)

- 7.17 The application provides to the proposed development an access off Meadow Lane. The proposed layout illustrates a cul-de-sac development, which has the potential to be continued onto the adjacent site and which would then potentially return onto Meadow Lane to create a loop. 83 car parking spaces are being provided, with a mixture of on-street parking, spaces within the undercroft/ground floor area of the pavilion buildings, courtyard parking and integral garages within some of the townhouses.

- 7.18 The applicant had originally intended that the access road would be privately owned and maintained. This has been reviewed and the applicant has accepted that it is appropriate that the roadway is constructed and adopted as a shared surface route, providing suitable access for service vehicles, public access to the riverside, and opportunity to continue the roadway onto the neighbouring site. The alignment and primary design of the access road is currently being reviewed with Highways, who have indicated that there is no objection in principle to the proposed development subject to agreement and conditions relating to detailed design.
- 7.19 The application submission has included a Travel Plan. This recognises that the accessibility of the site is generally good with access to a range of bus services that run along London Road and that cycle access is also good with the site able to be linked to the cycle route along the canal and riverside. Highways have, therefore, no objection to the number of car parking spaces being lower than the number of dwellings and recognising that the proposed mix of dwellings include 28 one-bed apartments. Secure cycle parking stores are also being provided within each of the apartment blocks.
- 7.20 Highways support the proposed cycle and pedestrian access along the riverside and have indicated that this should be privately maintained with permissive public rights of access. The potential to continue the riverside route beyond the application site to the adjacent site is to be protected and it is proposed that this matter is incorporated within the S106.
- 7.21 The applicant has responded to the concerns raised by Notts County Football Club, stating that the public consultation event was held at the ground and that member of club staff had attended. It is stated that the impact of football matches upon traffic in the area is time limited and that appropriate traffic control arrangements are already in place. It is also advised that the area around the stadium has been identified for regeneration and that the proposed development would be the first of further development proposals that are likely to arise.
- 7.22 Notts County Football Club has been re-consulted on the application and no further response has been received. Highways have not raised issues with this aspect and it is proposed that a traffic regulation order be made to control parking within the development.
- 7.23 It is considered that the proposed development accords with Policy T3 and Policy 14.

Other Material Considerations

Flood Risk and Drainage (Policy NE10)

- 7.24 The application site is identified to fall within Flood Zones 2 and 3. The Environment Agency originally objected to the application due to the absence of a sequential test and deficiencies in the submitted Flood Risk Assessment. The applicant has subsequently provided further information, which has been reviewed and accepted by the Environment Agency. The Environment Agency now has no objection to the proposed development subject to conditions, including the setting of minimum floor levels. Accordingly it is considered that the proposed development accords with Policy NE10.

Pollution and Contamination (Policies NE9 and NE12)

- 7.25 Pollution Control is satisfied that the noise assessment and contamination reports submitted with the application provide sufficient assurances that the site is able to be redeveloped for housing. The amended noise report takes into account potential noise nuisance from the adjacent dairy distribution centre and from football matches and events at Notts County Football Club. Proposed mitigation includes significantly enhanced glazing and ventilation specification to various facades of the development.
- 7.26 Recommended conditions include the need for a detailed remediation strategy, sound insulation measures, and verification that development works have been implemented in accordance with the approved details. It is, therefore, considered that the proposed development accords with Policies NE9 and NE12, subject to the conditions included in the draft decision notice that is appended to this report.

Planning Obligations: (Policies ST1, H5, T3, and T7):

- 7.27 The applicant has submitted a viability appraisal in support of their assertion that the proposed development would not be viable based upon the provision of affordable housing within the scheme. However, the applicant has advised that, notwithstanding the conclusions of the viability appraisal, contributions towards the provision of primary school places, a traffic regulation order and speed order, and the implementation of the Travel Plan will be provided.

Affordable Housing

- 7.28 The viability appraisal has been reviewed by officers. This has been an iterative process of discussion, negotiation and reappraisal. During this process development costs and receipts have been checked, challenged and agreed. It is advised that if the scheme were to incorporate affordable housing it would not deliver an acceptable return for the current land owner in the form of residual value and that the land owner would therefore have no incentive to sell the land for residential development. It is therefore concluded that a sufficient case has been made and that flexibility on the scope of the S106 should be provided in the interests of promoting the regeneration of the site and wider area.
- 7.29 However, as this is a relatively large scheme to be developed over a number of years it is accepted by the applicant that viability may change, e.g. once actual sales are made and the location begins to be established. On this basis the applicant has agreed to the inclusion of a mechanism within the S106 that will provide for the re-assessment of the viability of the scheme at appropriate points throughout its development. It is proposed that an appropriate point for reassessment of this 95 unit scheme would be upon the sale of 30 units, with the viability profit threshold being 20% of the gross development value. Any surplus profit would be provided in the form of commuted sum payments to be directed towards the provision of affordable housing within the City in accordance with Policy H5. It is considered that the priority in this instance should be to encourage and support the redevelopment of the site and it is recommended that viability review on these terms should be agreed.

Education

- 7.30 The proposed development is of a scale which generates the need to consider the need to make provision for further school places. The School Organisation Team have advised that there are currently sufficient secondary places in the area and that local schools would be able to cope with the relatively low number of pupils generated by this development. Therefore, no funding for additional secondary school places is being sought. However, it is advised that there is currently a shortage of primary school places across the City and that the three schools in the area are all projected to be either full, nearly full, or oversubscribed. It is, therefore advised that a contribution of £83,461 is being sought towards the provision of further primary school places, related to the estimated pupils that the proposed development would generate.

Traffic Regulation Order

- 7.31 The current highway adoption layout proposes that the car parking spaces for the development will remain private. The development is located near in an area that attracts high levels of traffic, including football parking that is likely to impact upon future residents. Highways have therefore requested a contribution of £10,000 towards the making of a Traffic Regulation Order, which is considered necessary in order to prevent parking on the adopted highway within the development.

Travel Plan

- 7.32 To ensure implementation of the Travel Plan, the developer will be required to provide homebuyer packs for each dwelling on the development which will entitle residents to apply for 6 and 12 month Kangaroo travel passes for which it will refund the Council the cost of each pass issued, to a maximum total cost of £52,317).

Riverside Path and Future Pedestrian and Cycle Bridge

- 7.33 The grant of permission to the public to use the riverside path and also a licence for the future construction of a bridge link over the Tinkers Leen onto the adjacent development site to the east is being sought. Both of these benefits are required in order to secure public access to the riverside and the provision of a continuous riverside path.
- 7.34 The on-going management and maintenance of areas of the riverside path and other areas of open space within the development is also to be secured by the section 106 agreement in the interests of ensuring that appropriate management and maintenance is provided.
- 7.35 The developer has offered to make provision for local employment and training during the construction and operation of the development, which is to be included in the Section 106.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)

- 8.1 The application proposes a 'fabric-first' approach to minimise energy consumption. The proposed development of highly efficient dwellings has been measured to achieve a target annual consumption equal to approximately 30 - 54% less than the current Building Regulations requirements. This is proposed to be achieved through

a highly insulated building envelope, air tightness detailing, thermal bridging being reduced to a minimum, efficient whole house ventilation with heat recovery, community heating system for the proposed flats and duplexes, and heat pumps. The orientation of the buildings has also taken into account the benefits of passive solar gain whilst also making provision for overheating in summer. It is considered that a 'fabric-first' approach is an appropriate means to achieve carbon reduction targets and, subject to a requirement to implement the development using this approach, is in accordance with Policies 1 and 17.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 13/02877/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MX2GX7LYCB000>

2. Nottingham Design Review Panel, 16.10.13

3. School Organisation Team, 17.12.13

4. Neighbour, 9 Meadow Close, 18.12.13

5. City Resident, 17.12.13

6. Pollution Control, 8.1.15

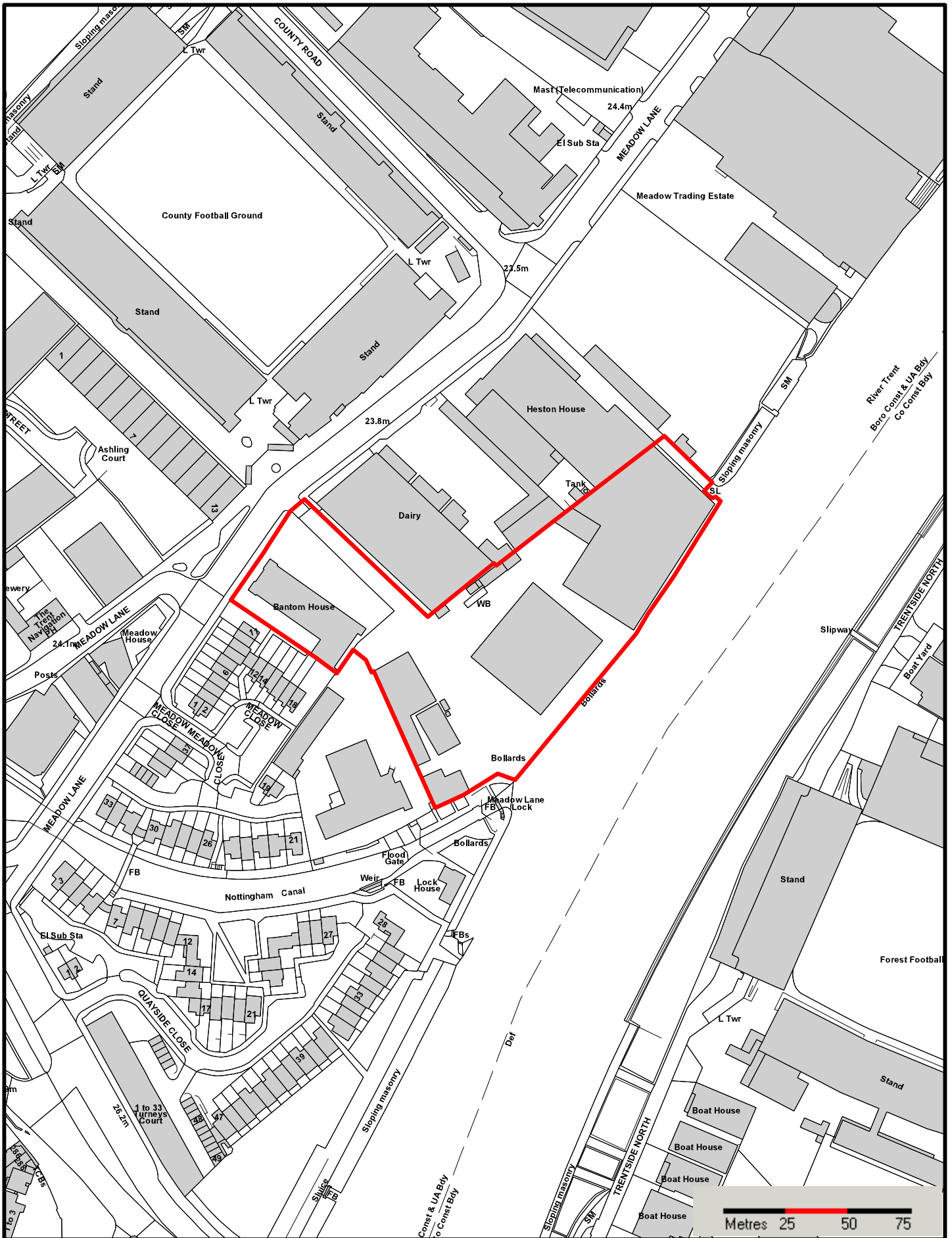
7. Highways, 4.3.15
8. Biodiversity 20.1.15
9. Housing Strategy, 30.1.14
10. Nottingham Regeneration Limited, 24.12.13
11. Environment Agency, 21.11.14, 2.1.15
12. Rushcliffe Borough Council, 7.3.14

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
Waterside Regeneration Interim Planning Guidance – November 2001

Contact Officer:

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My Ref: 13/02877/PFUL3 (PP-03003083)
Your Ref:
Contact: Mr Jim Rae
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**Nottingham
City Council**

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Hunter Page Planning
FAO: Mr Mark Chadwick
18 High Street
Cheltenham
Gloucestershire
GL50 1DZ

Date of decision:

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

Application No: 13/02877/PFUL3 (PP-03003083)
Application by: Meadow Lane Regeneration Limited And Canal & River Trust
Location: Land To Rear Of And Including Banton House, Meadow Lane, Nottingham
Proposal: Demolition of existing structures and the redevelopment of the site to form 95 dwellings, 385sq.m of retail and cafe floorspace (Class A1/Class A3), new vehicular access and parking, new waterfront pedestrian and cycle path, and public open space.

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. Notwithstanding the details submitted on the approved layout drawings, no development shall commence until details of the proposed phasing of construction have been submitted to and approved by the Local Planning Authority. The proposed phasing shall include details of temporary turning spaces at each carriageway terminal leading to the next phase of the development and shall ensure that refuse and emergency tender vehicles can manoeuvre safely on the highway. Development shall be implemented in accordance with the approved phasing unless otherwise varied in writing by the Local Planning Authority and temporary turning spaces shall be implemented before the phase of development that it is intended to service is first occupied.

Reason: In the interests of highway safety and in order to service the approved development.

3. No development shall commence on any phase of the approved development 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 Policies BE2 and NE9 of the Local Plan.

4. No development shall commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and approved by the Local Planning Authority. The Remediation Strategy and each component shall have regard to the Preliminary Risk Assessment entitled Phase 1 Desk Study Environmental Assessment by Delta Simons dated 23/11/2011 (ref 11-0548.01):

a) A Site Investigation Scheme, based on the Preliminary Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) The results of the Site Investigation and the Detailed Risk Assessment referred to in the Site Investigation Scheme and, based on these, an options appraisal and Remediation Strategy giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy are complete.

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

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

5. No development shall commence on any phase of the approved development until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

6. No development shall commence on any phase of the approved development until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- i) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of ground and surface water pollution.

7. No development shall commence on any phase of the approved development until a detailed specification of sound insulation requirements at the various plot facades and floors located within that phase has been submitted to and approved in writing by the Local Planning Authority.

The detailed specification above shall have regard to the Supplementary Noise Assessment by Acoustic Air dated May 2014.

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.

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

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

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

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

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.

9. No development shall commence until samples of the external materials of the buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

10. No development shall commence on any phase of the approved development until details of materials and means of construction of all hard surface areas, including the roads, footways, riverside walkway, public realm and parking areas, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

11. No development shall commence on any phase of the approved development until details of the means of enclosure (boundary walls and fences) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

12. Notwithstanding the details included within the Landscape Strategy document and Landscape Masterplan drawing, no development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a preference towards the use of native species and suitable species that will attract/create ecological assets) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy and NE5 of the Local Plan.

13. No development shall commence on any phase of the approved development until an ecological enhancement strategy for each phase or the whole site has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancement strategy shall be carried out as approved unless varied with the further written consent of the Local Planning Authority.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy NE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 1406 - Revision A prepared by Acuity Consulting in April 2014 as well as the email from Acuity Consulting to the Environment Agency on the 6th November 2014 and the following mitigation measures detailed within both the FRA and the accompanying email:

i) The internal finished floor levels of the 'more vulnerable' (Flood Risk Vulnerability Classification) developments shall be set no lower than 600mm above the 1 in 100 year plus climate change flood level i.e. no lower than 25.05mAOD.

ii) The internal finished floor levels of the 'less vulnerable' (Flood Risk Vulnerability Classification) developments shall be set no lower than 24.47mAOD.

iii) Flood resilient measures recommended in section 4.1.3.1 of the approved FRA shall be incorporated throughout the development. It is recommended that flood resilient measures of the 'less vulnerable' developments shall be incorporated to a height of 600mm above the 1 in 100 year plus climate change flood level i.e. no lower than 25.05mAOD.

iv) In accordance with section 4.2.2 of the approved FRA, green/brown roofs shall provide source control for the apartment blocks and, unless otherwise agreed in writing with the Local Planning Authority, rainwater harvesting and water butts shall be provided for the housing.

v) The drainage measures incorporated within the scheme shall be designed to ensure that the surface water run-off generated by the 1 in 100 year critical storm will be limited to 30% less than the previous discharge rate (based on the equivalent M30-60 value of 30.80mm/hr).

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

15. 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.

16. No dwelling on each phase of the approved development shall be occupied until the following information relating to that phase has been submitted to and approved by the Local Planning Authority:

i) 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.

ii) 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 NE9 of the Nottingham Local Plan.

17. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the commercial elements of the development including any mitigation measures have been implemented prior to occupation of that part of the development.

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.

18. No individual dwelling shall be occupied until the parking provision for that dwelling has been completed and is available for use.

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

19. No individual dwelling shall be occupied until the boundary enclosure associated with that dwelling has been completed in accordance with approved details.

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategy.

20. No phase of the development hereby permitted shall be occupied until such time that the design and contents of the Residential Travel Pack including details of the mechanisms regarding the distribution and obtaining of the Kangaroo passes have been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter each individual dwelling will be provided with a Residential Travel Pack no later than 14 days after its first occupation.

Reason: To promote sustainable travel.

21. No phase of the development hereby permitted shall be occupied until the name and contact details of the Travel Plan Coordinator have been provided to the Local Planning Authority. The actions and measures contained within the Residential Travel Plan shall be implemented at all

times, which also includes annual resident travel surveys, submitting annual travel plan updates to the Local Planning Authority, and invoking remedial measures in the event of any shortfall in the progress towards agreed targets.

Reason: To promote sustainable travel.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To reduce the risk of ground and surface water pollution.

Regulatory/ongoing conditions

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

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended:

- i) The dwellings hereby permitted shall not be enlarged;
- ii) No buildings or structures requiring foundations greater than 30cm depth shall be erected within the curtilage of any dwellings;
- iii) No landscaping or other operations resulting in excavations deeper than 30cm shall be undertaken within the curtilage of any dwellings.

Reason: To ensure that later development does not give rise to health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, the integral garage parking spaces within the dwellings hereby permitted shall remain permanently available for the parking of motor vehicles and shall not be converted or used for any other purpose. The integral garage parking spaces shall be used solely for the benefit of the occupants of the dwelling or their visitors and for no other purpose.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area and in the interests of general highway safety.

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

27. The approved development shall be implemented in accordance with the approved Energy

and Sustainability Statement by BSE3d Consulting Engineers Ltd. that form part of the approved documents.

Reason: In the interests of ensuring the sustainable development of the site in accordance with Policy 1 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 10 December 2013.

Reason: To determine the scope of this permission.

Informatives

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

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

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

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

The purpose of the withdrawal of Permitted Development Rights is to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers.

4. Environmental Noise Assessment

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. Commercial Noise

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

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

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

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

6. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

7. The surface water drainage scheme to be submitted pursuant to condition shall:

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

ii) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.

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

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

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

8. 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.

9. The applicant is advised that the Highway Authority will require that traffic speed within the development is regulated by a Speed Order, with costs of making the order to be borne by the applicant.

10. The construction details for the roads and footpaths submitted pursuant to condition 10 shall be to a standard suitable for adoption by the Highway Authority.

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

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

RIGHTS OF APPEAL

Application No: 13/02877/PFUL3 (PP-03003083)

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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DRAFT ONLY

Not for issue

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WARDS AFFECTED: Wollaton West

Item No:

**PLANNING COMMITTEE
18th March 2015**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Land Adjacent St Thomas Mores RC Church, Glenwood Avenue

1 SUMMARY

Application No: 14/03062/PFUL3 for planning permission

Application by: Radleigh Group

Proposal: 14 new dwellings and associated works and church car park following demolition of existing garage.

The application is brought to Committee because it relates to a major development that has generated a significant level of public interest both in support of and objecting to the proposal.

To meet the Council's Performance Targets this application should be determined by 20th March 2015

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions listed in the draft decision notice at the end of this report, and subject to:

- (a) Prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A financial contribution of £35015.64 towards the upgrade or improvement of open space or public realm.
 - (ii) A financial contribution of £48197.00 towards education.

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

3 BACKGROUND

- 3.1 The site is comprised of an area of open undeveloped land to the rear of St Thomas Mores RC Church, which is bounded by residential properties of Glenwood Avenue, Arleston Drive and Burnbreck Gardens, and a piece of land to the south east of the church, which includes the existing car park.
- 3.2 To the south east of the site, and fronting Bramcote Drive, is private green space associated with the church, to the corner of Glenwood Avenue. Adjacent to this is a two storey presbytery, fronting Bramcote Lane, and to the north east of this is a cemetery.
- 3.3 The south west boundary of the 'field' part of the site is marked by railings and intermittent trees, with the north west boundary, located just beyond a water course, having thicker vegetation in the form of hedgerows and trees. The north

eastern boundary also has dense mature hedgerow (less so adjacent to the cemetery) and there are some mature Ash trees on the border between the site and the cemetery. There is a significant level change across the site, with Bramcote Lane approximately 7m higher than the north west boundary of the site. The slope is relatively steep from Bramcote Lane leading down to the existing church car park and is gentler on the northern half of the site.

- 3.4 In 1989 an application (89/00271/PFUL3) for 52 flats on the site was refused planning permission on the grounds that the scheme was over-intensive, would cause amenity/privacy issues, would involve the removal of an unacceptable number of trees/hedges, would directly impact on a badger sett and because parking arrangements were deemed unacceptable.
- 3.5 In February 2013 an application (13/00415/PFUL3) was submitted on the site for a new church and 18 dwellings but was subsequently withdrawn in May 2013 in order to negotiate amendments that would resolve the issues and concerns identified at that time.
- 3.6 In June 2013 an application (13/01515/PFUL3) was submitted for the same proposal description as the earlier 2013 application. This application was refused planning permission at Planning Committee in September 2013, on the grounds that the proposal would cause significant harm to the welfare of the existing badger population, and secondly that insufficient details regarding the design and appearance of the new church had been submitted. This application went to appeal and was subsequently dismissed, solely in regard to the welfare of the nearby resident badgers. (Appeal decision date 1st May 2014).

4 DETAILS OF THE PROPOSAL

- 4.1 The current proposal is for 14 new dwellings, and a new church car park, following demolition of an existing garage.
- 4.2 Unlike the previous applications, the existing church would remain. A new road would provide access from Glenwood Road at the side of the church leading to the new dwellings which would be located on the 'field' part of the site. A new car park for the church would be provided to the south east of the access road, in the grassed area.
- 4.3 The dwellings would be a mix of 3 and 4 bed detached and semi-detached houses, with those to the head of the cul-de-sac having accommodation in the roofspace. The properties have been designed with a traditional character, being built of brick and tile, and include features such as gables and bay windows.
- 4.4 The application is supported by a Design and Access Statement (including energy statement), an Extended Phase 1 Habitat and Protected Species Report, a Ground Investigation Report, a Flood Risk Assessment, a Drainage Statement, a Transport Statement, an Archaeological Report and an Arboricultural Survey. As part of the development package the developer has committed to work with the Council's employment hub to deliver local employment and training opportunities during the construction of the development, including a financial contribution towards pre-employment training and recruitment costs. This would be secured through a Section 106 obligation.

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

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by way of a site notice and press advert. The addresses below have also been directly consulted. These include residents who commented on the two 2013 applications, some of whom are resident outside the City of Nottingham area.

65 Fernwood Crescent
85 Trowell Road
11 to 27 odds (no 13) Burnbreck Gardens
38, 40, 44, 51, 53, 57, 61, 67, 69, 71, 73, 75 and 77 Arleston Drive
44 Brookhill Drive
12 Callaway Close
27, 32, 76, 194 and 196 Wollaton Vale
7 Renfrew Drive
76, 94, 136 and 161 Parkside
2 and 19 Bramcote Drive
47 Eastcote Avenue
43 Parkside Gardens North
23 Brookside Avenue
21 Goodwood Road
Flat 2 Clumber House
10 Balmoral Drive
320, 339 and 749 Wollaton Road
57 Sandringham Drive
6 Reynolds Drive
32 and 48 Wroxham Drive
26 Charlbury Road
9 Seven Oaks Crescent
2A The Birches Rectory Gardens
2 to 16 evens, 1 to 19 odds (no 13), 25, 31, 35 and 37 Glenwood Avenue
29 Templeoak Drive
23 Tremayne Road
17 Normanby Road
19, 70, 101 to 109 odds, 113, 116 and 124 Bramcote Lane
47, 135 and 146 Russell Drive
2 The Nook
17, 64 and 140 Grangewood Road
1 Ewell Road
15 Dean Close
6 and 8 Warrender Close
5 Gateford Close
3 Nidderdale
97 Latimer Drive
65 Torvill Drive
44 Enfield Street (Beeston)
456 Burncross Road (Sheffield)
91 Danes Drive (Glasgow)
80 Westerlands (Stapleford)

13 Edward Road (Nuthall)

- 5.2 32 objections have been received, including objections from Councillor Culley and Councillor Battlemuch, and 9 letters of support. The reasons for objection include further pressure on traffic and on-street parking; particularly in the context of the nearby school (this reason is common amongst the vast majority of objections); loss of open space; increased pressure on badgers to move into cemetery/adjacent gardens; impact on badgers and other wildlife; bat survey not conducted at optimal time of year; loss of amenity/privacy; loss of open space; security; flooding; watercourse proposal not clear; watercourse must not be culverted; removal of trees and hedgerow and pressure on local facilities/services such as schools and the medical centre.
- 5.3 The letters of support state that the development will deliver much needed family housing; the proposal has had regard for the ecological value of the site; the existing site is in poor condition; there is plenty of green open space within a ten minute walk; and that the new church car park could be used by parents for drop off/pick up of children attending nearby schools. It should be noted that a higher proportion of the letters of support (compared to the objections) have been received from people outside the immediate vicinity of the site.

Additional consultation letters sent to:

Heritage and Urban Design: Advise that the layout and house types would create an attractive development. The two and a half storey dwellings appear reasonable in relation to both other proposed dwellings and existing neighbouring properties. There are opportunities to enhance character through the design of the highway and front boundary treatment, and details such as deep window reveals will be important to the success of the end product.

Pollution Control: Recommend a pre-commencement condition in relation to remediation strategy.

Highways and Drainage: Recommend conditions relating to surface water disposal, construction management plan and design of access onto Glenwood Avenue.

Severn Trent Water: Recommend a pre-commencement condition requiring details of surface water and foul sewerage disposal.

Education: Require a financial contribution to assist with funding school spaces to be secured through a Section 106 Agreement.

Natural England: refers the LPA to standing advice for assessing the impacts of development on badgers. Most relevant is that foraging areas should be maintained or new areas created. Standing advice is also provided in relation to bats which confirms that permission could be granted but that the authority should consider requesting enhancements

Notts Wildlife Trust: Concerns regarding impact on badger population, increased pressure on the cemetery and the wider habitat.

Biodiversity and Greenspace Officer: No objection based on the badger mitigation measures. Recommend conditions relating to maintenance of ditch and

other environmental areas, and removal of the fence to side of presbytery and its replacement with a hedge on a slightly different alignment.

Tree Officer: Recommend a pre-commencement condition in regard to Arboricultural Method Statement and to landscaping.

Coal Authority: Recommend that site investigation works be carried out prior to the commencement of the development.

City Archaeologist: Recommend a condition requiring a written scheme of investigation or a specification to be submitted and carried out before commencement of the development.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

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

Aligned Core Strategy

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

Policy 8: Housing Size, Mix and Choice - Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. Within Nottingham City there should be an emphasis on providing family housing, including larger family housing.

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

Policy 17: Biodiversity - seeks to increase biodiversity by, amongst other things, supporting the need for the appropriate management and maintenance of existing and created habitats and by mitigating harm to biodiversity.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities. Complies

H2 - Density. Complies

NE3 - Conservation of Species. Complies

NE5 - Trees. Complies

NE9 – Pollution. Complies

NE10 - Water Quality and Flood Protection. Complies

T3 – Car, Cycle and Servicing Parking. Complies

R2 - Open Space in New Development. Complies

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Ecological Impact of Development
- (iii) Layout and Design
- (iv) Traffic and Parking
- (v) Impact on Amenity
- (vi) Flooding

Issue (i) Principle of Development (Local Plan Policy ST1)

- 7.1 The site has no designation or land use allocation within the adopted Local Plan. The existing green space on the site is not publicly accessible and does not provide an open space function other than visual amenity and biodiversity habitat. Given the status of the site within the local plan and the promotion of family housing in Policy ST1, it is considered that the principle of residential development is acceptable. It should also be noted that the appeal concerning the previous housing scheme proposed for this site was dismissed solely regarding the welfare of the nearby resident badgers.

Issue (ii) Ecological Impact of the Development (Paragraph 118 of the NPPF, Policy 17 of the Aligned Core Strategy and Policy NE3 of the Local Plan)

- 7.2 The Phase I Habitat and Protected Species Report has identified that the principal ecological issue with the development proposals is the impact upon the active badger setts that have been recorded adjacent to the site. Following the refusal and subsequent appeal of the 2013 application, and in light of the Planning Inspectors'

findings, the applicant has amended the mitigation measures in relation to the welfare of the badgers on the site, and their setts. Furthermore the extent of development has been reduced with no development now proposed on the area containing and adjacent to the presbytery. Although some entrances of sett 1 have been closed under licence, due to the potential of damage to the presbytery, the proposed development no longer seeks to close any of the active setts and would provide an enhanced foraging area including hedging between the setts and the presbytery. An ecological corridor is also proposed around sections of the site perimeter, including to the rear of the new dwellings.

- 7.3 The Council's Biodiversity and Greenspace Officer has raised no objection to the proposals and is therefore satisfied that this revised scheme, including its package of mitigation measures, has addressed previous concerns about impact on the badgers associated with the site. Subject to suitable conditions which secure the enhancements as proposed, and agreement of a suitable management and method plan for these and other non-privately maintained areas, it is concluded that the proposal would secure the future health and welfare of the badgers and their habitat. Notts Wildlife Trust remain concerned regarding the proposal. They are to look again at the proposal in light of the Planning Inspectors report. Any further comments will be reported at Committee.
- 7.4 With regards to the impact on bats, it is noted that a resident has criticised that the survey was not undertaken at the optimum time of the year. Neither Natural England, the Wildlife Trust or the Biodiversity and Greenspace Officer have raised this concern. No bats were identified in the buildings through the emergence survey and therefore the presence of a bat roost was discounted in the ecological report. However a condition to secure implementation of the method statement referred to in paragraphs 6.10 to 6.12 of the report is recommended.

Issue (iii) Layout and Design (Paragraphs 56 – 64 of the NPPF, Aligned Core Strategy Policies 8 and 10 and Local Plan Policy H2)

- 7.5 The retention of the existing church on the site, and the presence of the badger setts has largely informed the housing layout. The access road to the south east of the church would lead to the housing development largely contained to the rear area bounded by the existing housing on Glenwood Avenue, Arleston Drive and Burnbreck Gardens. The density of development is commensurate with the surrounding area and is appropriate given that this is a family housing scheme. A good level of space is afforded in between dwellings, with driveways predominately situated to the side of the houses and a proportionate amount of space within the plots that is commensurate to the size and type of housing. Generally the houses are situated relatively tight to the access road which will create an environment with character, maximise rear garden space for the benefit of future residents and to protect neighbours' amenity.
- 7.6 The architectural style proposed by the applicant is traditional with strong features in the form of bay windows, protruding gables, eaves and gable detailing, casement style windows and porch canopies. The proximity of the houses to the road, coupled with a traditional approach to the architectural style will provide a sense of place and an attractive environment. The scheme provides four different house types which offer some variety but also maintains continuity to the design approach.
- 7.7 The two and half storey dwellings (plots 6-11) are located at the end of the cul-de-sac and will address the view north west along the access road from within the site.

The height of these dwellings is not disproportionate to the scale of the two storey houses with only a 500mm difference between plots 6-11 and the adjacent two storey properties at plots 5 and 12. The positioning of plots 6-11 allows for slightly taller dwellings and it is considered that these houses will provide a sense of enclosure to the development and will enhance the street-scene.

- 7.8 The siting and design of these dwellings is largely the same as those found in the previous application that was tested on appeal. Whilst the appeal was dismissed due to an adverse impact on badgers, the Inspector raised no concerns regarding the siting and design of these houses.

Issue (iv) Traffic and Parking (Aligned Core Strategy Policy 10 and Local Plan Policy T3)

- 7.9 The Council's Highway Officers are satisfied with the access position and that the road layout is appropriate. It is apparent that traffic and on-street parking is a significant concern of residents and that this concern is largely influenced by congestion experienced during the school drop off and collection times. From the analysis of on-street parking patterns and the evidence provided by residents in their objections it is apparent that congestion and on-street parking is problematic at these times. However, given the relative size of the housing development proposed, it is not considered that adding the number of trips created by this development to the network will have a material impact on congestion. Furthermore the development is well provided with off-street parking, with 12 of the 14 dwellings having two off-street spaces (excluding garages). In terms of the specific issue of school congestion, the proximity of the proposed houses to local schools, as well as other amenities such as health care and shopping, should encourage pedestrian trips for future residents.
- 7.10 20 parking spaces would be provided in the new car park to the south east of the access road, to serve the church. This is considered to be an appropriate level of parking for a facility which it is understood has the majority of its demand on a Saturday evening and a Sunday morning.

Issue (v) Impact on Amenity (Aligned Core Strategy Policy 10 and Local Plan Policy NE9)

- 7.11 There are a number of bungalows on Glenwood Avenue which border the south west boundary of the site and given that the site is on a higher level than these properties, this relationship requires particular attention. Dwellings which face the bungalows have been moved away from the boundary and provided with larger gardens. Plot 4 is the closest proposed dwelling to 6 and 8 Glenwood Avenue and is situated at a distance of 23m (excluding the garage). It is considered that this distance is acceptable, allowing for a level change of between 0.75m – 1m in this particular instance. The distance to properties on Arleston Drive to the north west and Burnbreck Gardens to the north east from proposed development is no less than 37m and 33m respectively and amenity and privacy of occupiers of these properties will be further protected by the retention of the hedgerows and trees on these boundaries. It is considered that the impact on the privacy and amenity of the neighbouring residents is acceptable.

Issue (vi) Flooding (Local Plan Policy NE10)

- 7.10 The Council's Drainage section have no objections to the application following consideration of the Flood Risk Assessment and Drainage Statement. It is noted that some residents have expressed concern that the watercourse located close to the north west boundary will be culverted. This was originally proposed on a previous application but was not acceptable for both drainage and ecological reasons. The current proposal shows that the stream will remain an open watercourse. The watercourse is proposed to be included within the gardens of plots 6-11 as this will ensure future occupiers take responsibility for its maintenance. Enhancements to this area by way of landscaping would in the event of approval be secured by condition. Conditions would also need to be imposed to ensure delivery of sustainable drainage proposals.

Other Issues (Local Plan Policies R2 and NE5)

- 7.11 The consultation exercise has raised local resident concerns about the impact on the capacity of local services, in particular schools. Should the application be approved, an education contribution of £48,197.00 would be secured through a Section 106 obligation and is based upon the number of primary and secondary school places that would be required from the development, derived from the Council's established formula. An open space contribution of £35,015.64 towards off-site improvements would also form part of the Section 106 obligation and this complies with the requirements of Policy R2 of the Local Plan.
- 7.12 The impact on the trees and hedgerows on the site is considered acceptable having regard for the advice of the tree officer. Many of the trees and hedges on the site, particularly on the boundaries, will be retained. It is considered therefore that the application complies with Policy NE5 of the Local Plan.

8. SUSTAINABILITY / BIODIVERSITY

An Energy Statement has been submitted with the application which identifies the options for achieving the required 10% reduction in carbon emissions. The statement advises that the applicant will generally take a fabric first approach to this matter through improving the thermal efficiency, increasing air tightness and dedicated low energy lighting. The statement also advises that the applicant will review solar hot water heating, photovoltaics, combined heat and power (CHP) and ground sourced heat pumps. It is considered unlikely that the latter two will form part of the final sustainability plan but that subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord with Policy 1 of the Aligned 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: requirement to provide a high quality and sustainable residential development.

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

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

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: 14/03062/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NGTV0JLY00L00>

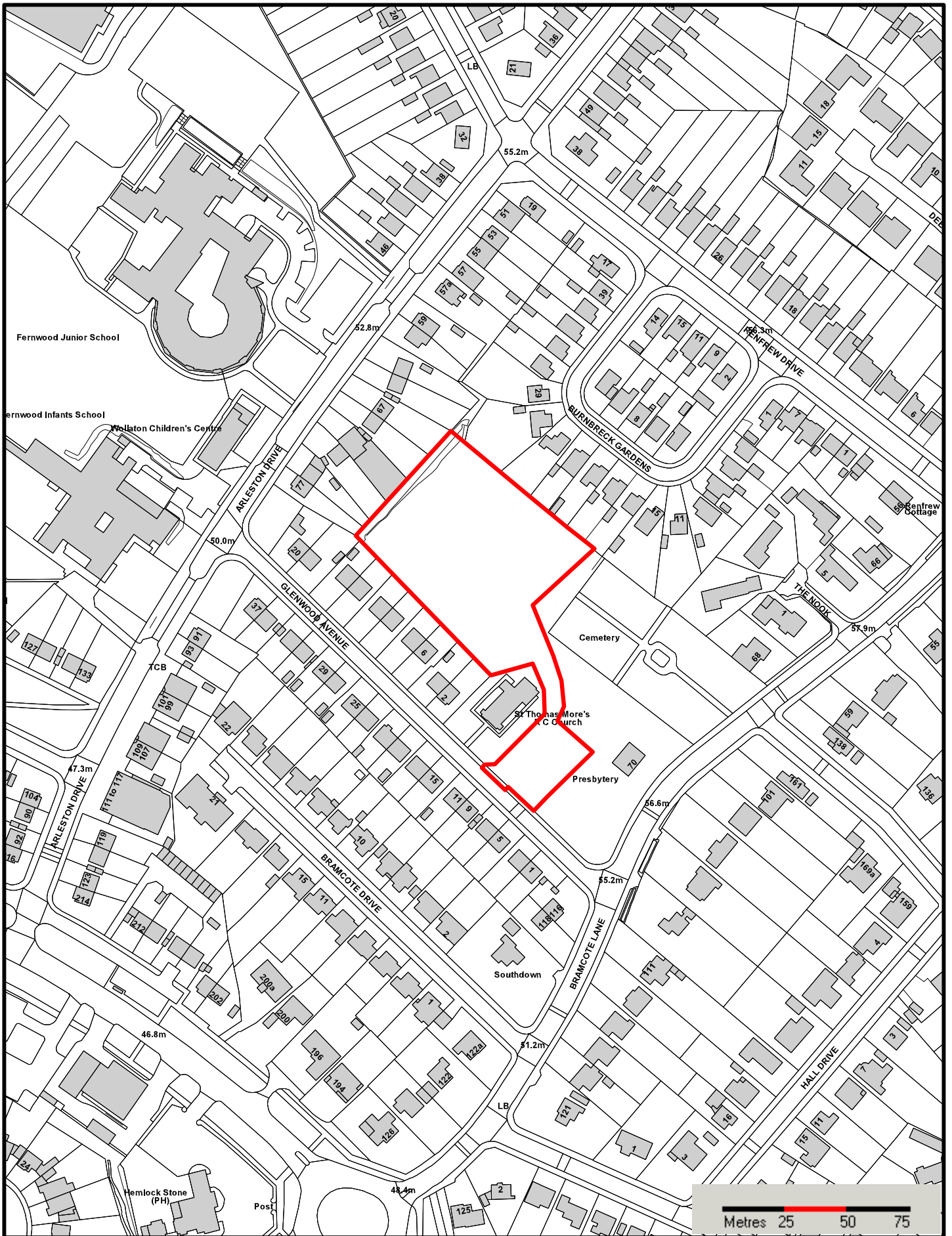
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Sue Davis, Case Officer, Development Management.

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



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My Ref: 14/03062/PFUL3

Your Ref:

Contact: Mrs Sue Davis

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
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Tel: 0115 8764447
www.nottinghamcity.gov.uk

Radleigh Group
FAO: Mr Martyn Pask
Riverside Five
Riverside Court
Pride Park
Derby
DE24 8JN

Date of decision:

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

Application No: 14/03062/PFUL3
Application by: Radleigh Group
Location: Land Adjacent St Thomas Mores RC Church, Glenwood Avenue, Nottingham
Proposal: 14 new dwellings and associated works and church car park following demolition of existing garage.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until details of all external materials including dormers, bricks and tiles 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 is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

3. The development shall not be commenced until details of all doors, windows and dormers including large scale sectional drawings of 1:20, 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 is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

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

Reason: To ensure that the appearance of the development is satisfactory to comply Policy 10 of the Aligned Core Strategy.

5. The development shall not be commenced until details of 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.

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

6. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, have been submitted to and approved in writing by the Local Planning Authority. The details shall include a maintenance and management plan, with a timetable for implementation, particularly in respect of the ecological enhancement areas and those parts of the watercourse which are not to be included within the boundaries of plots 6 to 11.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

7. The development shall not be commenced until a Remediation Strategy (with reference to the Preliminary Risk Assessment, ref 3148, Bayliss Consulting, December 2011) that includes the following components to deal with the risks associated with ground and groundwater contamination of the site has been submitted to and be approved in writing by the Local Planning Authority:

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

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

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

8. The development hereby permitted shall not be commenced until details of sustainable drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

10. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

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

11. The development shall not be commenced until the recommendations of the Phase 1 Desktop Study Report, in relation to coal mine workings, have been carried out and any remedial works identified by the site investigations undertaken.

Reason: To safeguard the health and residential amenity of the occupants of the proposed dwellings to comply with Policy NE9 of the Nottingham Local Plan.

12. No development involving the breaking of ground shall take place within the site boundaries unless a written specification for the implementation of an archaeological watching brief, during the course of the development, has first been submitted to and approved in writing by the Local Planning Authority. The specification shall include arrangements for:

(a) the recording of any finds made during the watching brief and for the preparation of a final report;

(b) the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and

(c) proposals for the publication of a summary of the final report in an appropriate journal.

The archaeological works approved under this condition shall be carried out in accordance with the approved specification.

Reason: In order to safeguard archaeological resources in accordance with Policy BE16 of the

Local Plan.

Pre-occupation conditions

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

13. No part of the development shall be occupied until details of bird and bat boxes, including their location, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development would preserve or enhance the health of protected species in the vicinity to comply with Policy NE3 of the Nottingham Local Plan.

14. No part of the development shall be occupied until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.

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

15. No dwelling shall be occupied until the access road has been provided to an adoptable standard and the means of enclosure, relevant to each dwelling, has been provided.

Reason: In order that the appearance of the development is satisfactory and in the interests of vehicular and pedestrian safety in the area to comply with Policy 10 of the Aligned Core Strategy and T3 of the Nottingham Local Plan.

16. No dwelling shall be occupied until a Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: In the interests of public health and safety to comply with Policy NE12 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

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

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 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 following drawings/documents:
Drawing reference 200/09, received 29 December 2014
Drawing reference G4-P-01, received 29 December 2014
Drawing reference G2-P-01, received 29 December 2014
Planning Layout reference S994/01, received 29 December 2014
General reference 100/03, received 29 December 2014
General reference H306T/02, received 29 December 2014

General reference H403T/02, received 29 December 2014
General reference H406T/02, received 29 December 2014
General reference H303T/02, received 29 December 2014
Planning Layout reference 100/01 revision J, received 23 February 2015

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. Contaminated Land & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground 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.

4. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed

construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293 at the earliest opportunity to begin the process.

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 associated costs shall be borne by the applicant.

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

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

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

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

RIGHTS OF APPEAL

Application No: 14/03062/PFUL3

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

WARDS AFFECTED: Mapperley

Item No:

**PLANNING COMMITTEE
18th March 2015**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

558 Woodborough Road, Nottingham

1 SUMMARY

Application No: 14/02106/PFUL3 for planning permission

Application by: Marsh:Grochowski on behalf of Framework Housing Association

Proposal: Erection of 8 one-bed flats and associated works following demolition of existing buildings.

The application is returned to Committee because Committee resolved to defer a decision on 17 December to allow officers to seek to negotiate a revised design with the applicant.

To meet the Council's Performance Targets this application should have been determined by 1st December 2014

2 RECOMMENDATIONS

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

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

3 BACKGROUND

- 3.1 The application site is located on the east side of Woodborough Road, opposite Mapperley Crescent and proximate to the junction with St. Jude's Avenue. The site is currently occupied by a two storey building of which half has a pitched roof, with accommodation also in the roofspace, and the other half which has a flat roof. The building is currently vacant but has been previously used as three flats. The site has garden space to the rear. There is a single storey sandwich shop to the south of the site and a two storey building to the north that is in use as four flats. To the rear of the neighbouring flats is a terrace of four properties at Russell Court, which adjoin the rear of the site. The site is otherwise adjoined by the rear gardens of other neighbouring residential properties. There is a zebra crossing on Woodborough Road immediately outside the site.
- 3.2 Outline Planning Permission was granted in 2004 (04/01507/POUT) with the indication that the development could accommodate 9 flats in a two/three storey building including dormer accommodation within the roofspace. This permission has expired.

4 DETAILS OF THE PROPOSAL

- 4.1 The application initially proposed a development of ten one-bed flats, which was then revised to nine one-bed flats and has now been revised again to eight one-bed flats. Consultation has been carried out on the latest revision at the time of concluding this report.
- 4.2 The revised design proposes the erection of a two storey building with dormer accommodation within the roofspace. There would be three flats on the ground and first floors, one on the second floor, and one on the lower ground floor. The proposed building is set slightly back from the boundary of the site with Woodborough Road, which provides for a step in the front elevation. Its main entrance is onto Woodborough Road, leading through to a staircore that is placed towards the side/rear. There is a secondary entrance/exit at lower ground floor, which provides access to the building and to three car parking spaces and garden/amenity space that is proposed to the rear. A covered bike store and bin storage area is also proposed to the side/rear of the building, which is adjacent to the existing ramped vehicular access to the side of the building that is proposed to be retained and adapted, providing a vehicle entrance/egress point onto Woodborough Road. The proposed construction would be in red brick with a grey fibre cement slate roof and dark grey uPVC windows.
- 4.3 The site is currently overgrown to the rear and it is proposed that a number of existing trees to the rear would be removed, with a number of others also being retained.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

550 – 558(e), 562 (flats 1-4) Woodborough Road
9 – 13(o) Querneby Road
1 – 4 (consec.) Russell Court
1, 8 Mapperley Crescent
232 Ransom Road
63 Private Road
5, 17 St. Jude's Avenue

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

5.1 Previous responses that were reported to Committee on 17 December raised the following issues/objections:

- proposal would result in an over-concentration and would change the character of the local community.
- enough Housing Association properties in the area already, which have a history of antisocial behaviour and poor management.
- proposed development will multiply the anti-social problems and will affect the safety and security of the local community.
- query what level of assistance/support there will be for tenants.
- concerned for the safety of children, who would be using zebra crossing and walking directly past the new project to go to school every day.
- not a good idea to house vulnerable adults/young people next to a public house.

- concern over extent of consultation and request for a public meeting (held on 10 November).
- height and style of proposed building is out of character with surrounding buildings.
- revised design is even more at odds with surroundings
- concern over height and relationship of building that may overlook private garden area and impact upon privacy.
- vehicle entrance is situated between a pedestrian crossing and a bus stop.
- not enough car parking spaces for the number of flats.
- query extent of refuse storage.

5.2 **Mapperley Park Residents Association:** concerned that there are a number of similar types of accommodation in the vicinity of this site and that clustering of this type of accommodation should not be too dense. Also concerned about getting the urban design right, using a perimeter block with secure private rear space. Suspect that residents of the scheme will suffer from the feeling of lack of control over their privacy. Units fronting Woodborough Road are positive and having the main entrance to the scheme off Woodborough road is the right solution. Raising the ground floor units above footpath level is also good. A small amount of 'defensible' frontage space would be useful.

The following additional responses were also previously reported to Committee on 17 December:

5.3 **Councillor Dewinton:** Concerns. Fully in support of the provision of supported housing and independent living accommodation in the city. However we need always to place these units in an area where they need be most effective both for their tenants and for neighbours – and to avoid saturation & subsequent problems. There are current issues with:

- 1) Saturation of area with ported housing accommodation, leading to subsequent problems of management. The extent of supported housing units in the immediate area could make good management of these proposed additional units difficult.
- 2) Intensity of Proposed Development – 10 flats for tenants attempting a sustainable lifestyle – harder to manage than a smaller number. Well-managed supported housing is welcome within our communities – but we need to ensure that the placement is not over intensive in any way, to the detriment of both service users & community.
- 3) Character of the Area – this is an area of popular family housing, with good schools and amenities. Whilst there have been flats at 558 Woodborough Road, a more suitable conversion would be to a smaller number of larger flats/houses: 2/4 units.
- 4) Impact on Community - Two Schools are within five minutes of this location. Large units of single accommodation, particularly for move on "independent living" can attract antisocial individuals or groups. Concern has already been raised in the community about such problems in relation to an adjacent provider of supported accommodation.
- 5) Residents have already had problems with existing units, with these concerns being expressed in responses to consultation on this application.

5.4 **Councillor Healy:** Request that application is determined by Planning Committee. Query if proposed development is contributing to balance of the community. Query design and layout of building in order that residents do not impact on surrounding area. Monitored CCTV should be a condition. Attractive modern building is positive in an area which is in need of regeneration.

5.5 **Housing Strategy:** The priority for the city, including this area, is family housing of a mix of tenures. However there is an identified need for a small amount of additional social housing that can support tenants with moderate needs that would not necessarily be met by more mainstream social housing. The intensive management that will apply to this scheme gives considerable assurance that a development of this sort will not have a detrimental effect on the local community. Furthermore it is being developed and managed by a local organisation, Framework HA, with a track record of effective management of housing schemes, most of which support individuals with much higher support needs than the client group this proposal will cater for.

There is a preponderance of supported housing in the area and also a number of houses in multiple occupation (HMOs) accommodating single people, and further provision of housing for high need groups would not be appropriate. Assurances should therefore be sought from Framework HA that the management of the properties will be maintained at the ratio proposed and that the scheme continues into the future to house people who do not have high support needs.

5.6 **Pollution Control:** No objection subject to conditions requiring an environmental noise assessment and sound insulation scheme, and implementation.

5.7 **Highways:** No objection subject to conditions. Proposal to use the existing access is acceptable, although the improvement alterations will still require a S278 agreement. Proposed details are to be carried out to ensure no queuing of vehicles or obstructions on the highway. Drainage details are also required.

5.8 **Nottingham Civic Society:** Objection. The ground floor is elevated above the street, requiring steps up to the main entrance, an unacceptable design solution for a new building where level access was achieved by the houses it is to replace. It appears that the ground floor is so elevated to make room for a lower ground floor level of accommodation on a the site which slopes away from Woodborough Road. This results in quite a bulky mass to the building when viewed from the neighbouring residential plots. Stepping the building down at the back is a traditional way of minimising its bulk from neighbouring viewpoints. Finally, the modern architectural language creates an abrupt, disjointed streetscape when viewed with the neighbouring terrace which exhibits an underlying coherence despite houses individually customised with varied building finishes.

5.9 **Any further responses to the consultation that is currently being carried out on the revised design will be reported to Committee.**

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities. Complies

H2 – Density. Complies

NE9 - Pollution Control. Complies

T3 - Car, Cycle and Servicing Parking. Complies

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development. Complies

Policy 1 - Climate change. Complies

Policy 8 – Housing Size, Mix and Choice. Complies

Policy 10 – Design and Enhancing Local Identity. Complies

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Layout and Design
- (iii) Access and Traffic Impact

Issue i) Principle of the development (Policies ST1, H2, and ACS Policy 8)

- 7.1 The application site is located within a primarily residential area where the provision of further residential development is considered to be appropriate.
- 7.2 Policy ST1 aims to secure the creation and maintenance of balanced communities, including a balanced mix of housing size, type, and affordability. The policy supports the use of previously developed land and buildings and development at an appropriate density to help support local services and to ensure the efficient use of land.
- 7.3 The justification for Policy ST1 states that concentrations of tenure or household types in a local area should be avoided and encourages diversification. It also advises that a mix of housing provision will be encouraged wherever site characteristics allow.
- 7.4 Policy H2 recognises that development should aim to be compatible with the characteristics of the site and its surroundings, whilst also recognising that higher densities will be particularly appropriate where there is a good level of accessibility, including public transport and services.
- 7.5 Policy 8 of the Adopted Core Strategy emphasises the need to develop sustainable communities and, in Nottingham's case, places further emphasis on the provision of innovative family housing on the fringes of the city centre and a broader mix of housing elsewhere. Policy 8 also recognises that the appropriate housing mix will be informed by a number of factors including local housing strategies, demographics, need and demand, site specifics and accessibility (amongst others).
- 7.6 Housing Strategy advises that, whilst family housing in a mix of tenures remains a priority, there is also an identified need for a small amount of additional social

housing that can support tenants with moderate needs that would not necessarily be met by more mainstream social housing.

- 7.7 Housing Strategy also advises that the intensive management by the applicant, Framework HA, gives considerable assurance that the development will not have a detrimental effect on the local community, subject to assurances in relation to the on-going management of the development and that it will continue to be used in future to house people who do not have high support needs.
- 7.8 The applicant, Framework HA, advises that the proposed flats are intended to provide 'move-on' homes for people with a low support need prior to making the step into totally independent accommodation. It is explained that the flats will be 'ordinary residences for people who wish to get on with their lives' and that tenancies are expected to be between six months and two years. Housing management and community liaison is to be on-going, with regular inspections and entrance CCTV also being provided.
- 7.9 It is not considered that the site would be particularly suited to family housing given its location immediately adjacent to Woodborough Road and its high traffic levels. The site is, however, located on a primary bus route and also benefits from its proximity to a range of local facilities.
- 7.10 The existing building has been last used as three flats and there are other properties that front onto this part of Woodborough Road that are also in flats use. Whilst not carrying any material weight in relation to this application, it is also noted that the expired Outline Planning Permission granted in 2004 had illustrated a larger building that was intended to contain up to nine flats.
- 7.11 The one-bed format of the proposed development is confirmed as being compatible with the need identified by Housing Strategy. The revised density of eight flats is also now considered to respond better to the characteristics of the site and its surroundings, with an improved layout also minimising any direct impact upon neighbouring properties (Issue ii below).
- 7.12 It is therefore considered that the principle of the proposed development of eight one-bed flats accords with Policies ST1 and H2 of the Local Plan and Policy 8 of the Adopted Core Strategy.

Issue ii) Layout and Design (ACS Policy 10)

- 7.13 The design of the proposed building has been substantially revised, with a further flat also having been removed through the reduction in the scale of the proposal.
- 7.14 The proposed design now has a villa type form that is more in character with the form of other properties in the area, including a more conventional forward sloping pitched roof with dormer windows. There is distinct principal element to the front elevation, with a secondary element being set back adjacent to the vehicular entrance to the side. Expressed eaves to the roof, projecting bay windows to the ground floor, and recessed brickwork panels between the ground and first floor windows also provide further modelling to the façade.
- 7.15 The revised design reduces the height of the proposed building to one which is now similar in height to the pitched roof element of the existing building. The height and form of the proposed development is considered to relate better in scale to the

street scene of this part of Woodborough Road and also manages the transition between the taller neighbour at No.562 and the other lower single storey neighbour at No.554-556.

- 7.16 It is considered that the revised design has improved the appearance of the proposed development, with the associated reduction in scale also making an important contribution to this change. It is considered that the proposed design provides an appropriate level of interest to the street scene of the area through its form and composition. It is appropriate that further details of individual elements and materials are provided under planning conditions in order that the quality of finish is ensured throughout construction.
- 7.17 The provision of covered secure cycle parking and bin storage areas to the rear of the site is noted and considered appropriate in relation to the number of one-bed flats that is proposed and, in terms of cycle parking, also recognises that only a limited number of car parking spaces is proposed.
- 7.18 It is therefore considered that the layout and design of the proposed development accords with Policy 10 of the Adopted Core Strategy.

Issue iii) Access and Traffic Impact (Policy T3)

- 7.19 The site has a current vehicular access off Woodborough Road to the south of the existing building. The application proposes that this access is reused and is suitably adapted to allow for vehicles to enter and leave the site safely, including a set-back gated entrance. Three car parking spaces are proposed to the rear of the site which, given the one-bed format of the proposed accommodation, management by Framework HA, and accessible location on a primary bus route, is considered to be an appropriate level for the proposed eight flats. Whilst it is clear that it would be possible to accommodate further parking to the rear of the site, Highways have no objections to this provision subject to conditions and any additional provision would be at the expense of the remaining garden area to the rear and including existing trees that are to be retained. It is, therefore, considered that the proposed development accords with Policy T3.

Other Matters (Policy NE9)

- 7.20 Pollution Control is satisfied that noise assessment and sound insulation are able to be dealt with by planning conditions. Therefore, it is considered that the proposed development accords with Policy NE9.

8. SUSTAINABILITY / BIODIVERSITY (ACS Policy 1)

- 8.1 The application proposes a 'fabric-first' approach, providing an energy efficient design and technical detailing to reduce regulated energy demand resulting in a 12.8% reduction in carbon emissions.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: would provide high quality and sustainable development.

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 14/02106/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NB3Y5KLYCB000>

2. Pollution Control, 29.9.14

3. H. Phillips, 30.9.14

4. Nottingham Civic Society, 30.9.14

5. M. May, 1.10.14

6. V. Pupavac, 4.10.14

7. V. Pupavac, 5.10.14

8. Cllr. Healy, 6.10.14

9. N. Steel, 7.10.14

10. D. Main, 7.10.14

11. S. Bertolaso, 10.10.14

12. Cllr. Dewinton, 10.10.14

13. Highways, 10.10.14

14. D. Webster, 13.10.14

15. K. Coates, 15.10.14

16. Mapperley Park Residents Association, 10.11.14

17. Housing Strategy, 21.11.14

18. M. May, 24.11.14

19. K. Coates, 24.11.14

20. N. Steel, 27.11.14

21. M. May, 28.11.14

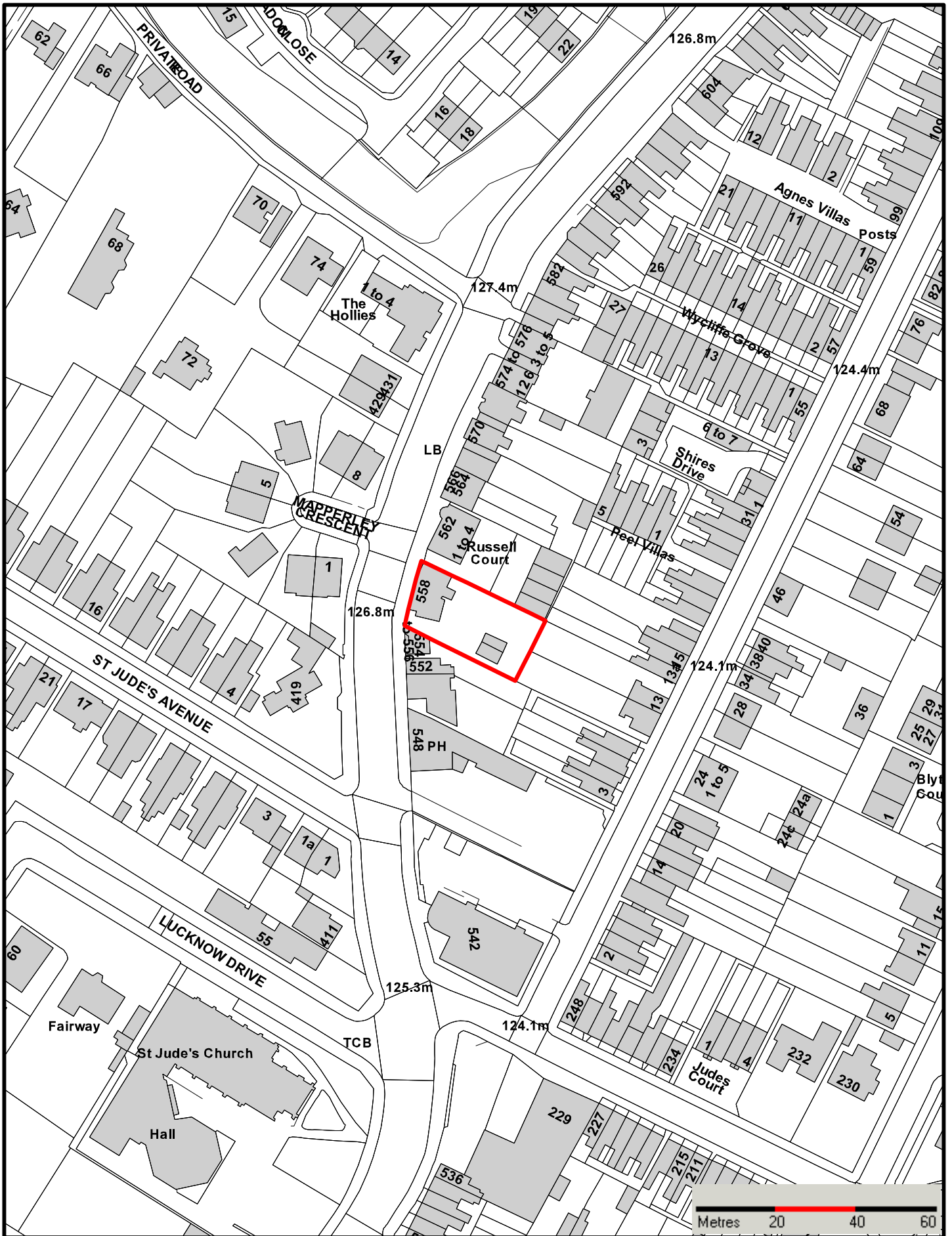
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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



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My Ref: 14/02106/PFUL3 (PP-03632790)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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NG1 1HS

Date of decision:

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

Application No: 14/02106/PFUL3 (PP-03632790)
Application by: Framework Housing Association
Location: 558 Woodborough Road, Nottingham, NG3 5FH
Proposal: Erection of 8 one-bed flats and associated works following demolition of existing buildings.

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

Time limit

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

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

Pre-commencement conditions

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

2. 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.

3. 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 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.

4. Other than the demolition of the existing buildings, no development shall commence until further information regarding the disposal of surface water drainage has 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 run-off rates will be reduced by 30% by use of SUDS techniques which can include swales, attenuation tanks, and green roofs.

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.

5. Other than the demolition of the existing buildings, the development shall not be commenced until details of all 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.

6. 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) Window reveals;
- b) Recessed brick panels;
- c) Parapet/eaves;

- d) Entrance door and canopy;
- e) Bay windows.

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

Reason: In order to ensure an appropriate quality of appearance of the approved 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)

- 7. 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.

- 8. The surface water drainage scheme to be submitted and approved under Condition 4 of this consent shall be implemented in accordance with the approved details before the development is first occupied.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy NE10 of the Nottingham Local Plan.

- 9. The approved development shall not be occupied until details of the covered cycle and bin store areas have been submitted to and approved by the Local Planning Authority. The approved details shall also be implemented before the approved development is first occupied.

In order to ensure the appropriate design and provision of these facilities in the interest of the amenity of occupants of the approved development and surrounding area, in accordance with Policy 10 of the Aligned Core Strategy.

- 10. The approved development shall not be occupied until details of the boundary enclosure of the rear site with neighbouring properties has been submitted to and approved by the Local Planning Authority. The approved details shall also be implemented before the approved development is first occupied.

In the interest of ensuring the appropriate enclosure of the site and amenity of the occupants of the approved development and neighbouring properties, in accordance with Policy 10 of the Aligned Core Strategy.

- 11. The sight lines on each side of the vehicular access shall be provided at the time of development and shall be retained.

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

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

DRAFT ONLY

Not for issue

Continued...

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference 14009(PP)02 revision B
Drawing reference 14009(PP)03 revision C
Drawing reference 14009(PP)01 revision A

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.

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

4. 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.

5. 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.

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

7. 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.

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

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



DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 14/02106/PFUL3 (PP-03632790)

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: Bridge

Item No:

PLANNING COMMITTEE
18th March 2015

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Recreation Ground West Of Wilford Grove, Victoria Embankment

1 SUMMARY

Application No: 15/00085/NFUL3 for planning permission

Application by: Maber Architects on behalf of Nottingham City Council - Parks And Open Spaces

Proposal: New sports pavilion following demolition of existing.

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

To meet the Council's Performance Targets this application should have been determined by 13th March 2015

2 RECOMMENDATIONS

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

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

3 BACKGROUND

The application site refers to the open space to the west of Wilford Grove and bounded by Victoria Embankment and the River Trent beyond, to the west, a children's' play area to the south and Bathley Street to the north. The site is used for sport, including cricket pitches which are to the northern part of the site. There is a detached pavilion adjacent to the cricket pitches, in the centre of the site, which is disused and in a poor state of repair. There is no vehicular access to the pavilion.

4 DETAILS OF THE PROPOSAL

4.1 A new sports pavilion following the demolition of the existing. The new pavilion would be sited closer to Victoria Embankment than the existing pavilion, at the edge of this open space. Access would be via a gap in the flood defence wall which encloses this part of the site. There is a footpath which follows the defence wall inside the site and the pavilion would be approximately 17m away from this path. The ground level slopes slightly into the site at the point where the pavilion is proposed to be sited. There are a number of mature trees which line the site along Victoria Embankment. A vehicular access would lead to the south side of the pavilion enabling a level access for persons with a disability.

- 4.2 The design of the new pavilion, being single storey, would be built of brick and tiles, with a roof shape that reflects the character of the existing pavilion to be demolished. Cast iron columns from the existing pavilion would be re-used in the new building. A ramped access would lead from the front of the pavilion to give level access to the pitches. A covered terrace with steps and seating would be to the rear of this, providing a viewing area across the pitches.
- 4.3 Internally the pavilion would provide four changing areas and showers, umpire changing facilities, accessible shower/changing facilities and a social space with attached kitchen/servery.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

A site notice has been posted on the footpath adjacent to the proposed position of the new pavilion. The expiry date was 12th February 2015; six letters were received after this date but are included below.

Nine objections received on the grounds of:

- Questions why the new pavilion cannot be built on the footprint of the existing where drains and sewerage services are already in situ.
- The pavilion would impact on the trees.
- The pavilion would impact upon the 'desire line' of people using the open area.
- There is a covenant on the Victoria Embankment site which does not allow any building nearer to the embankment than the existing pavilion. The proposal clearly fails to respect this line.
- Where would users of the facility park?
- Building must not be used for commercial gain.
- Is this purely for cricket and no other sport (e.g. football).
- The building is a landmark and built by Jesse Boots as a gift to the people of the Meadows.

In response, if such a covenant exists, this would not be a material planning consideration. The desire line referred to runs parallel to the footpath that runs along the top of the bank. The footpath would be retained and as such there would be no detriment to access for pedestrians walking through the area. Aside from these concerns, the remaining matters are addressed in the appraisal section of the report.

A public consultation process was carried out by the Parks and Open Spaces team which included public meetings at venues close to the site, and an on-line opportunity to comment on the proposals. This concluded on 27th February. The outcome of these consultations have now been received, with 240 respondents (out of 355) being in agreement with the proposed redevelopment.

Additional consultation letters sent to:

Pollution Control: No comments.

Highways: No objections. Recommend pre-commencement condition in relation to drainage.

Environment Agency: Awaiting response.

Sport England: Supports the development, subject to the removal of the existing pavilion and the reinstatement of the area to usable playing field.

Heritage and Urban Design: The existing pavilion has only limited significance as a heritage asset in its own right. The new pavilion potentially provides sufficient public benefit to outweigh the loss of the existing pavilion. The design of the new pavilion is considered appropriate.

Tree Officer: No objections following the receipt of amended drawings to show the pavilion being an acceptable distance from the trees.

Notts Wildlife Trust: The existing pavilion may be a site for protected species e.g. bats. A bat survey has been received and the NWT re-consulted. As the report has identified that there is a potential for roosting bats then a further bat activity survey would be required. This should be carried out prior to the determination of the application.

Biodiversity and Greenspace Policy Officer: Recommend appropriate condition or informative regarding need to re-check for presence of bats, subject to the time of year of the demolition.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

Chapter 7. Requiring good design

Paragraph 56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.

Chapter 8. Promoting healthy communities

Paragraph 69. Planning decisions...should aim to achieve places which promote:

- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Aligned Core Strategy

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

Policy 11: The Historic Environment - seeks to conserve and/or enhance the historic environment and heritage assets in line with their interest and significance.

Policy 12: Local Services and Healthy Lifestyles - supports new, extended or improved community facilities where they meet a local need and are sustainably located.

Nottingham Local Plan (November 2005):

CE1 - Community Facilities.

NE5 - Trees.

NE10 - Water Quality and Flood Protection.

R1 - The Open Space Network.

R5 - Playing Fields and Sports Grounds.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of Development
- ii) Building Design

Issue i) Principle of Development (Policies CE1, R1 and R5 of the Nottingham Local Plan and Policies 11 and 12 of the Aligned Core Strategy)

- 7.1 The existing pavilion is very dated and offers poor quality changing facilities for users of the Embankment playing fields. The proposed replacement would be an appropriate form of development in the Open Space Network that would support the continued use of this significant sporting facility in the City.
- 7.2 Sitting in the middle of the site the existing is also awkward to access, particularly those users with disabilities, being raised above ground level by a stepped plinth. Alterations to improve access into the pavilion have been made however these do not adequately address the situation. The new pavilion would maintain a community use on this site and would provide modern facilities which gives access to all users.
- 7.3 The siting of the pavilion closer to the embankment would enable a more efficient sporting use of the site and enable the facility to be accessible for all users, being closer to the road, and having a ramp access onto the fields. Its siting would have a positive impact on the usability of the open space playing fields.
- 7.4 It is noted that the existing pavilion has only limited significance as a heritage asset and it is considered that its loss would be outweighed by the public benefit of the new pavilion.

Issue ii) Building Design (Policy 10 of the Aligned Core Strategy)

- 7.5 The building has been designed so as to reflect the character of the existing pavilion, including its roof shape and the cast iron columns to the covered areas. It would closely match the existing pavilion in terms of facing materials, form and scale and it would provide modern changing facilities as well as a social space.
- 7.6 The pavilion, being sited closer to the road, would be seen in context with the mature landscaping that would help to soften its appearance in the street scene. It

would also be an improvement in terms of security as the existing pavilion is in an isolated position and has been subject to vandalism.

- 7.7 There would be no dedicated parking but the Victoria Embankment itself offers extensive on-street parking adjacent to the site. Furthermore, a vehicular access to the pavilion would provide a dropping off point for less able users visiting the facility. Two disabled priority spaces would be provided on Victoria Embankment, close to the access.

Other Matters (Local Plan Policy NE10)

- 7.8 Flooding. The pavilion would be raised by 300mm above the surrounding ground and is classed as 'less vulnerable' development. It is considered that the new development would not therefore cause or contribute to a risk of flooding.

8. SUSTAINABILITY / BIODIVERSITY (Local Plan Policy NE5)

- 8.1 A protected species survey has been received in relation to the existing pavilion as there is the potential for bats to be present. The report concludes that whilst there is the potential for bats to use the building, there was no evidence at the time of the survey. A recommendation is made to undertake further surveys, depending on the time of year of demolition. Although the activity survey should be carried out before planning permission is granted, the new pavilion would not be dependant on the demolition of the existing and as such a condition will be imposed to require an activity survey to be carried out prior to demolition and within the appropriate season.
- 8.2 There are several important mature trees along the Victoria Embankment, in close proximity to the new pavilion. Amended drawings to show the pavilion moved slightly further away from the trees, and to indicate services, have been received and these are now satisfactory to show that the future health of the trees would be safeguarded. An Arboricultural method statement would be required prior to commencement of the development.

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

Citizens at the Heart – Empowering Communities by enabling people to be independent and creating easy to use services.

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: 15/00085/NFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NI7KYDLYCB000>

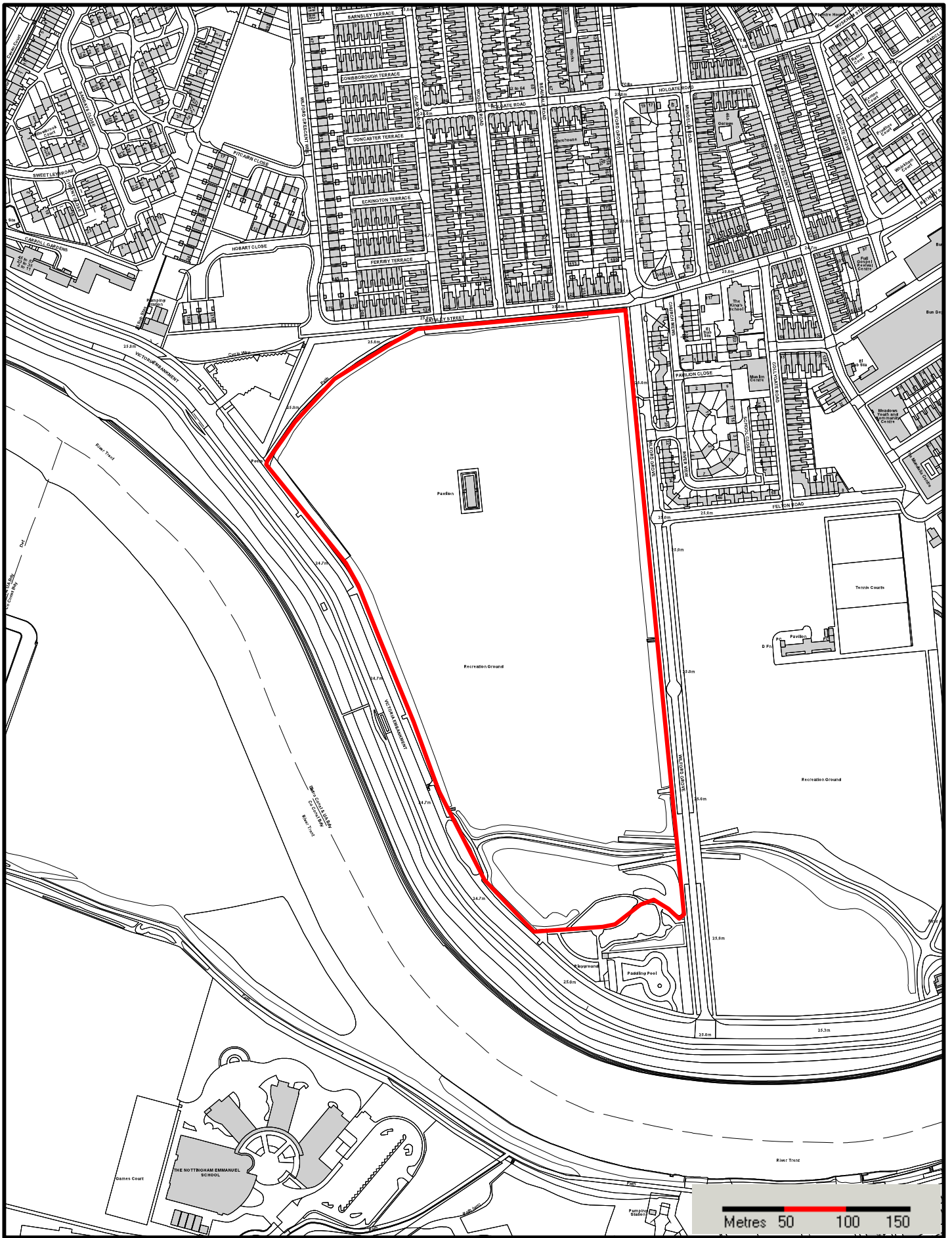
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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



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My Ref: 15/00085/NFUL3 (PP-03911398)
Your Ref:
Contact: Mrs Sue Davis
Email: development.management@nottinghamcity.gov.uk



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17 Barker Gate
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Date of decision:

**TOWN AND COUNTRY GENERAL REGULATIONS 1992
APPLICATION FOR PLANNING PERMISSION**

Application No: 15/00085/NFUL3 (PP-03911398)
Application by: Nottingham City Council - Parks And Open Spaces
Location: Recreation Ground West Of Wilford Grove, Victoria Embankment, Nottingham
Proposal: New sports pavilion following demolition of existing.

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

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
2. The development shall not be commenced until details of all external materials including bricks and tiles have been submitted to and approved in writing by the Local Planning Authority. <i>Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.</i>



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

DRAFT ONLY

Not for issue

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- 1 -

3. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

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

4. The development hereby permitted shall not be commenced until details regarding the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority.

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

Pre-occupation conditions

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

5. The pavilion shall not be used until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.

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

Regulatory/ongoing conditions

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

6. Prior to the demolition of the existing pavilion, a bat activity survey shall be carried out by a suitably qualified person(s) and between the months of May to September inclusive. The results of that survey shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of safeguarding the health and habitat of protected species to comply with Policy NE3 of the Nottingham Local Plan.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
General reference C60 revision B, received 5 March 2015
Plan reference 203, received 15 January 2015
Elevations reference 602, received 15 January 2015
Plan reference 603, received 15 January 2015
Plan reference S2-P02, received 26 January 2015
General reference C50 revision A, received 20 February 2015
Plan reference S2-P01, received 6 February 2015
Planning Layout reference 00201, received 15 January 2015
Elevations reference 601, received 15 January 2015
General reference SHUTTER, received 6 February 2015

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 parking arrangements detailed in the application should be discussed with the Traffic Management team (0115 876 5245).

4. The responsibility and subsequent liability for ensuring that the building (s) does not support roosting bats prior to the commencement of demolition rests with the developer and/or the landowner. The developer is strongly recommended to instigate a thorough investigation of the external structure of the building and its roof spaces for the presence of bats, as all species of British bat are protected from injury, disturbance, and destruction of and damage to roosts (even when bats are not present) under both UK and EU law.

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.

WARDS AFFECTED: Dunkirk And Lenton

Item No:

**PLANNING COMMITTEE
18th March 2015**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

142 Harlaxton Drive, Nottingham

1 SUMMARY

Application No: 14/01968/PFUL3 for planning permission

Application by: Ashton King on behalf of Mr S Meah

Proposal: Conversion to 2 flats.

The application is brought to Committee due to representations received both supporting and objecting to the proposal from ward councillors.

To meet the Council's Performance Targets this application should have been determined by 7th October 2014

2 RECOMMENDATIONS

REFUSE PERMISSION for the reasons set out in the draft decision notice at the end of this report.

3 BACKGROUND

3.1 142 Harlaxton Drive is a two storey detached dwelling located on the western side of Harlaxton Drive. The properties on this section of Harlaxton Drive are generally semi-detached or detached with parking for one space to the front or side. The dwelling is currently occupied by the applicant and his extended family as Class C3 family houses (C3 dwelling).

3.2 The dwelling has five bedrooms, a bathroom and separate toilet on the first floor and a kitchen/diner, two living rooms and second toilet on the ground floor. Off Street parking for between 1-2 cars is available to the front of the dwelling.

3.3 The site is adjoined by detached and semi/detached properties which appear to be used as HMO accommodation. It is located within a primarily residential area.

4 DETAILS OF THE PROPOSAL

4.1 The application seeks permission for conversion of the house to two apartments. The first apartment would occupy the ground floor and have two bedrooms with a living/dining room, shower and toilet. The second apartment would occupy the first floor and would have 3 bedrooms, kitchen, living room and shower room.

4.2 No alterations are proposed to the external appearance of the dwelling.

4.3 In support, of the application, the applicant has stated that it is their intention to use the apartments for Class C3 family use (C3 dwelling) only. They are aware of the

Article 4 Direction and the restrictions it places in the area for additional Class C4 houses in multiple occupation (C4 dwelling). The first floor apartment has three bedrooms but the intention is for the 'third' bedroom to be used as a study.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The following have been notified of the application directly:

140 and 142 Harlaxton Drive – No representations received.

One letter of objection has been received from Nottingham Action Group on HMOs (NAG). Whilst NAG appreciates that the sensitive conversion of large family houses into flats may be the only way large properties can be made suitable for modern residential use, they consider that the dwelling in question does not fall into this category, and for the reasons outlined below wish to object to the application:

1. Conversion of this property into two flats would remove from the housing market precisely the sort of larger family homes (three-plus bedrooms) which are needed if Nottingham is to prevent migration of families away from the city itself.

2. The 'Lenton Drives' neighbourhood in which the property is located is a pleasant, residential area which, though it has at present a substantial HMO profile and associated transient population, it also has the clear potential to attract new families to it and to retain existing family households.

3. The planned conversion would not provide flats which are suitable for family occupation.

4. It is proposed to provide shower room facilities in both flats. This would indicate that the market that is being aimed at is a young, transient one (not necessarily student). Lenton already has a population profile heavily skewed towards this grouping. Conversion of the property in this way will merely increase the transience and unsustainability of the area.

5. The plans indicate that the flat on the first floor will have three bedrooms. Bearing in mind previous concerns raised regarding the potential future occupancy of the property, NAG consider that there is a strong potential for the flat to become a Class C4 HMO, thus (provided planning permission were to be sought and given) increasing the number of HMOs in an area where there are already substantial numbers of this type of property and where the problems associated with HMOs are regularly exhibited to the detriment of the remaining residential population and the future viability of the area.

At a round table meeting held on 29 November 2013 the future of Lenton and the contribution of the area and its housing to Nottingham were discussed. The report of that meeting (Changing Lenton & A 'Vision for Lenton') published earlier this year encapsulates the potential of Lenton in the future to be "an 'up and coming' area with a strong sense of identity. A destination that people want to visit and live in which provides excellent facilities for a diverse and energetic community." That vision was endorsed by all the people who attended the meeting and has led to the commencement of a Changing Lenton project, based on the findings of the meeting. If the 'Vision for Lenton' is to be achieved, and if Nottingham as a whole is

to benefit from what Lenton's housing has to offer in the future, then NAG consider it to be essential that conversion of properties like 142 Harlaxton Drive does not take place.

Councillor Piper, Lenton ward councillor has written in opposition the development. She understands that the planning application has been made by the applicants after struggling to sell their property. Whilst she has sympathy for the applicants and all those long term residents who are unable to sell their homes, she does not consider that the proposal is suitable for the area and will cause greater problems. The property is a generous-sized family house on a residential street which ordinarily would be attractive to families. Unfortunately, it is recognised that the neighbourhood has developed a reputation with potential residential purchasers put off due to the large number of HMOs. There are now several initiatives in Lenton, such as the 'Changing Lenton' agenda and new family housing being built on the site of the former Lenton high rise flats, that she hopes will start to change perceptions of the area.

The purpose of introducing Article 4 Direction was to preserve family houses such as 142 Harlaxton Drive and she believes that it makes no sense to lose the property and make it permanently unattractive to a family. There is also the problem of parking. Finally, she considers that if the application is passed, then more home owners struggling to sell will apply for permission to convert houses to flats and we will lose the family houses we are seeking to protect.

Councillor Trimble, Lenton ward councillor has written in support of the proposal. He states that following the introduction of the Article 4 Direction his constituent Mr Meah (the applicant) wrote stating that that they were having problems selling the property to anyone other than a landlord. A meeting was arranged with Councillor Trimble and the then Head of Planning, Andrew Gregory, who has now left the Council. Andrew Gregory suggested a way forward could be converting the property into 2 flats, which would maintain the C3 'family use' planning requirement. The meeting concluded, with the applicant stating that the family would consider this option.

Councillor Trimble is of the view that whilst he would not wish to see the whole area turn from family homes into flats, the proposal would seem like a way forward for some long term residents. He believes that the turmoil of investigating the possibility, making the necessary financial investment and dealing with the disruption and quite substantial building works would be a big enough barrier to prevent this becoming widespread.

He wishes to state for the record that Mr Meah would have reasonably left that meeting with the Head of Planning believing that submitting a planning application subject to meeting the correct standards would be acceptable to the Council.

Additional consultation letters sent to:

Highways: No objections.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Chapter 6 - Delivering a wide choice of high quality home

Para. 50 - 'Create sustainable, inclusive and mixed communities'. 'Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)'. 'Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand'.

Chapter 7 - Requiring good design

Para 57 - 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings'.

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

Chapter 11 - Conserving and enhancing the natural environment

Para 120 - 'The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account'.

Para 123 - 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'.

Greater Nottingham Aligned Core Strategies 2014 (ACS)

Policy 8: Housing, Size Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 - Density.

H6 - Student Housing.

NE9 - Pollution.

Building Balanced Communities Supplementary Planning Document (reissued in March 2007) (BBCSPD).

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issue

i) Impact on the creation and maintenance of a balanced community

i) Impact on the creation and maintenance of a balanced community (NPPF Ch.6 Para 50, Policy 8 of the ACS, Policies ST1, H6 of the Local Plan and BBC SPD).

- 7.1 The applicant has stated that the proposed apartments would be used as C3 dwellings for small families. It is not the intention for them to be used as private rented accommodation. Irrespective of the applicants intention and whilst the apartments could be conditioned to remain as C3 dwellings, if the application is approved, the Local Planning Authority wouldn't have control over its future occupation whether it be by small families, mature professionals, students or others, as up to 2 unrelated people can live together in a C3 dwelling without the need for planning permission. The assumption therefore has to be made that each apartment as C3 dwellings could be occupied by two unrelated persons, including students. On this basis the principle of the proposal needs to be considered against saved policies ST1 and H6 of the Nottingham Local Plan and the Building Balanced Communities (BBC) Supplementary Planning Document (BBC SPD), as reissued in March 2007.
- 7.2 Policy ST1 of the local plan seeks to provide and maintain balanced communities within the City, noting that family housing is particularly important to sustain local communities and support local schools as centres of communities. In addition, the BBC SPD, as reissued in March 2007, expands on Policies ST1 and H6 (student housing) and indicates that where student housing would prejudice the creation and maintenance of balanced communities (by leading to further over-concentrations of student households or increases in the problems associated with large numbers of students), there will be a presumption to refuse planning permission for further provision of student housing.
- 7.3 The BBC SPD references that an area is in danger of becoming imbalanced if the percentage of student households exceeds 25% of the total number of households in that area (by leading to further over-concentrations of student households or increases in the problems associated with large numbers of students). It also refers to areas which have relatively low level of students households but being in danger of becoming unbalanced as numbers increase and the problems associated with increasing concentrations of students become manifest.
- 7.4 Harlaxton Drive and surrounding streets are located at the centre of the area of high student concentration where a significant number of dwellings have been converted to student HMOs as a consequence of their close proximity to the University of Nottingham campus, its Jubilee campus and the Queens Medical Centre teaching hospital. This particular area has a very high concentration of students, with recent data indicating that within the core output area approx 76.6% of households are students. The average for surrounding output areas (which includes the core output area) is 52.2%. Both figures well exceed the indicative threshold of 25% which is considered to be reasonable in achieving a balanced community.

- 7.5 The Council would generally wish to resist any proposal which has the potential to exacerbate the existing problem of an over-concentration of students and an unbalanced housing mix in this area. This an attractive medium sized family house, with a good sized garden and off street parking which is ideally suited to family use. The proposal would result in the loss of this family dwelling and through subdivision create two smaller apartments which are less likely to be attractive to future family use. There is real concern that this type of accommodation would be more likely to be rented accommodation occupied by young transient occupants, albeit classed as small C3 dwellings.
- 7.6 With the introduction of the Article 4 Direction in 2012 and given the over concentration of student HMOs in the area, the Council would be able to resist any proposal to use the first floor apartment as a 3 bedroom C4 dwelling. However as C3 dwellings both apartments could still be occupied by up to 2 unrelated persons, which would equate to the provision of accommodation for 4 unrelated occupants, including students.
- 7.7 It is important to note that whilst the current proposal alone may appear to be limited in its harm, potentially similar applications along these principles could lead to a cumulative impact that would lead to the further loss of family houses and could exacerbate the existing problem of an over-concentration of students and an unbalanced housing mix in this area.
- 7.8 The proposal is therefore felt to be contrary to the aims of policy 8 of the ACS, policies ST1 and H6 of the Local Plan, the Building and Balanced Communities SPD and NPPF Ch.6 Para 50.

Other Matters

- 7.9 Officers acknowledge Cllr Trimble's representation with its summary of a meeting held between himself, the applicant and the former Head of Development Management. Officers are sympathetic to the difficulties faced by some long term residents in these areas however, it is not felt that the proposal can be supported for the reasons outlined above and real concern about the harmful precedent such a proposal would set.
- 7.10 At a further meeting with the current Head of Development Management, the applicant and his agent were made aware of concerns about the proposal. An option to revise the proposal to form a granny annexe arrangement ancillary to the main dwelling was suggested. Such an option would allow the extended family to live in areas of a separate living accommodation, whilst retaining the property as a medium sized family house. This option was not considered to be acceptable to the applicant.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The proposal does not raise any sustainability or biodiversity issues.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: the requirement to maintain sustainable balanced communities.

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: 14/01968/PFUL3 - link to online case file:
2. Highways comments dated 16.10.14.
3. Email from Councillor Trimble dated 23.09.14.
4. Email from Councillor Piper dated 22.09.14.
5. Email from Nottingham Against HMOs dated 17.09.14.

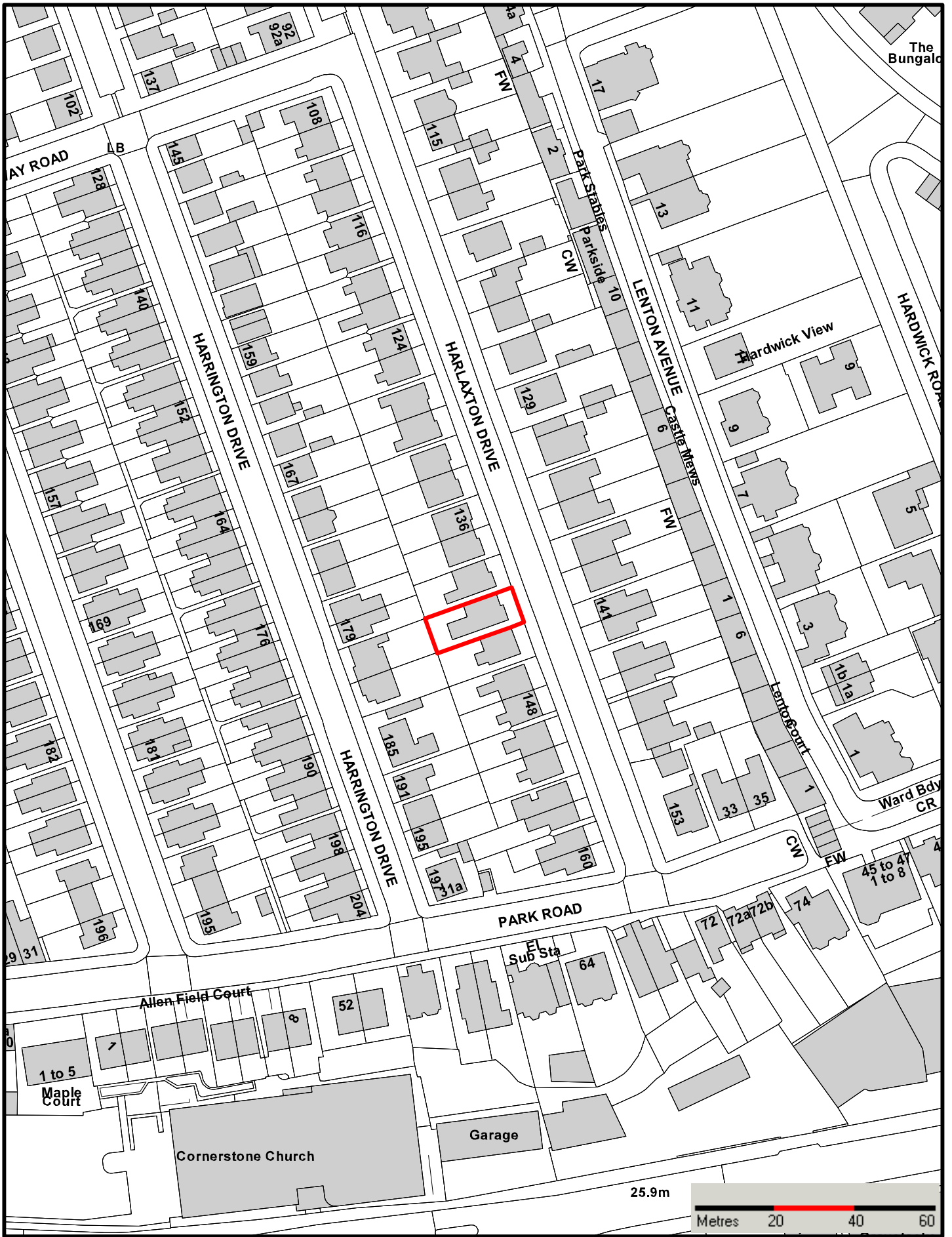
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NA8HGULY00M00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategies (September 2014)
National Planning Policy Framework (March 2012)
Building Balanced Communities Supplementary Planning Document (reissued in March 2007)

Contact Officer:

Mrs Jo Briggs, Case Officer, Development Management.
Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041



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My Ref: 14/01968/PFUL3

Your Ref:

Contact: Mrs Jo Briggs

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**Nottingham
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Ashton King
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NG7 3PE

Date of decision:

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

Application No: 14/01968/PFUL3
Application by: Mr S Meah
Location: 142 Harlaxton Drive, Nottingham, NG7 1JE
Proposal: Conversion to 2 flats.

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

1. The proposal would result in the loss of a family house, to be replaced by two apartments that cumulatively could be occupied by up to four unrelated occupants without the need for further permission. Located in an area with an existing transient population and high concentration of students, it is therefore likely that the proposal would exacerbate the unbalanced nature of this community and cumulatively, the impact of similar proposals to subdivide family houses into apartments would further erode the prospects of creating a balanced community. The proposal is therefore contrary to Policy 8 of the Greater Nottingham Aligned Core Strategies (September 2014), Policies ST1 and H6 of the Nottingham Local Plan (November 2005), the Building Balanced Communities Supplementary Planning Document (March 2007) and the NPPF Ch.6 Para 50.

Notes

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



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Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

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Continued...

RIGHTS OF APPEAL

Application No: 14/01968/PFUL3

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

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

PLANNING COMMITTEE

UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

18 March 2015

4(a) University Hospital NHS Trust, Queens Medical Centre, Derby Road

1. The applicant has submitted an Air Quality Assessment for the development which concludes that the development would not result in a significant increase in parking provision, there would be no changes to traffic flows on the local road network and that the anticipated frequency of use of the helipad would not generate significant nitrogen oxide emissions. On this basis the overall air quality impact of the proposed MSCP & helipad are considered to be negligible.
2. Noise and Pollution Control have confirmed that they are satisfied with the conclusions of the Air Quality Assessment and raise no objections to the development on air quality grounds.
3. The Environment Agency has no objection to the proposed development subject to a number of conditions.

1. Noted.

2. Additional Conditions:

To address the comments of the Environment Agency, additional and amended conditions are recommended as follows:

New Condition 1:

No development shall commence until a scheme to provide flood resilience measures is submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the approved scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To reduce the impact of flooding to the proposed development in accordance with the aims of Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

New Condition 2:

No development shall commence until an evacuation plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall be implemented and subsequently maintained in accordance with the timing / phasing arrangements embodied within the approved plan, within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To reduce the impact of flooding to the future users in accordance with the aims of Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

New Condition 3:

No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

i)) all previous uses;

ii) potential contaminants associated with those uses;

iii) a conceptual model of the site indicating sources, pathways and receptors;

iv) potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented in accordance with the as approved details.

Reason: To ensure that the potential risks to controlled waters are assessed and appropriately managed before the site is developed in accordance with Policy NE12 of the Nottingham Local Plan.

Condition 13 to be revised as follows:

Piling or any other foundation designs using penetrative methods shall not be permitted unless otherwise agreed in writing by the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. Details shall include details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers.

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

Reason: To protect the underlying principal aquifer from contamination and in the interests of public health and safety in accordance with policies NE9 and NE12 of the Nottingham Local Plan.

3. Amendment to Paragraph 7.4:

It has been confirmed that the University land at Highfield Park will still be available for use by the air ambulance service once the tram is in operation, until the new helipad is provided.

4. Additional Condition:

NET are in general support for the scheme but have requested a condition requiring a risk assessment for the operation of the helipad in relation to the tram. The following is therefore recommended for inclusion:

The helipad shall not be brought into use until a detailed risk assessment relating to the operation of the air ambulance over the adjacent tram line has been submitted to and agreed in writing with the Local Planning Authority. Once approved, any recommendations arising from the risk assessment shall be implemented at all times when the helipad is in use.

Reason: In the interests of NET safety and amenity in accordance with the aims of Policy 14 of the Aligned Core Strategy.

(Additional background papers: Pollution Control comments received 05.03.15.
Environment Agency comments received 18.03.15.)

4(c) Land Adjacent St Thomas Mores RC Church Glenwood Avenue

Further comments received from the Notts Wildlife Trust with regard to the Planning Inspectors findings. They remain concerned about the loss of grassland foraging habitat in the vicinity and whether the proposed ecological buffer and planting is sufficient. A robust buffer/planting scheme would be essential.

Also concerned that due to the close proximity of the development and new road to the main sett, not convinced that the plans would avoid partial closure of the main sett. Recommend a plan showing definitive sett entrances and buffer distances be submitted.

Additional comments noted. The proposals impact on badgers is covered in the committee report. A condition is already recommended regarding the requirement for a landscaping scheme, to cover the proposed ecological enhancement areas. Regarding a buffer to the sett entrances the following condition is recommended:

The development shall not be commenced until a definitive map of the active sett entrances, along with proposals for a buffer zone around these, 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: In the interests of safeguarding a protected species in accordance with policy NE3 of the Local Plan and Policy 17 of the ACS

(Additional background papers: Email from NWT, received 9th March 2015)

4(d) 558 Woodborough Road

1. Revised recommendation

The deadline for neighbours to respond to the re-consultation on the amended plans is 19 March. The recommendation is therefore amended to:

GRANT PLANNING PERMISSION subject no new material issues being raised in response to consultation, and subject to the conditions listed in the draft decision notice at the end of this report.

2. Further response to consultation

Neighbour: The changes make the appearance more acceptable, however the type of brick used is important. Disappointed that there is still no provision for residents car parking, despite there being adequate room. Acknowledge proposed occupancy group but consider that car ownership is far more likely and that with car parking is likely to be a problem.

The further neighbour response is noted and Paragraph 7.19 of the report addresses this issue. The proposed development provides three car parking spaces.

(Additional background papers: 1. N. Steel, 16.3.15)

4(e) Recreation Ground West of Wilford Grove Victoria Embankment

1. Two more representations received from a Mr Hughes, on behalf of Friends of Victoria Embankment. Comments reiterate concerns already raised in relation to impact on unspoiled parkland, wildlife, lighting, setting of the proposed pavilion, routes to the existing pavilion, restoration of existing pavilion and loss of open space. Other matters not previously raised relate to the opening hours.

2. The Tree Officer is satisfied with the contents of the amended Arboricultural Method Statement.

3. A late representation has been received suggesting that there have been flaws in the consultation process carried out by the applicant.

1. The additional letters largely repeat comments already received and noted in the committee report.

The comment regarding opening hours has been noted. However, given that the pavilion serves sports which would be played during daylight hours only, and the location of the new pavilion being a considerable distance from the nearest residential property, a condition to restrict hours of use is not be considered necessary.

2. The Tree Officers comments are noted.

3. This is not a statutory requirement of the planning process and separately, formal consultation has been carried out on the planning application. While it will be for the applicant to respond to the criticisms being made regarding the consultation they carried out, it is felt that sufficient opportunity has been provided for interested parties to comment on this application.

(Additional background papers: Two emails received 9th March from FOVE/Mr Hughes, Email from J Hughes, received 18th March 2015)

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