



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

**Date:** Wednesday, 22 April 2015

**Time:** 2.30 pm

**Place:** LB 31/32 - 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**

**Pages**

- |          |                                                                                                                                                                                    |         |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>1</b> | <b>APOLOGIES FOR ABSENCE</b>                                                                                                                                                       |         |
| <b>2</b> | <b>DECLARATIONS OF INTERESTS</b>                                                                                                                                                   |         |
| <b>3</b> | <b>MINUTES</b><br>Meeting held on 18 March 2015 (for confirmation)                                                                                                                 | 3 - 10  |
| <b>4</b> | <b>PLANNING APPLICATIONS: REPORTS OF THE HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION</b>                                                                                       |         |
| <b>a</b> | <b>Car park on site of Queens House</b>                                                                                                                                            | 11 - 30 |
| <b>b</b> | <b>Government Buildings, Chalfont Drive - variation of existing planning obligation</b>                                                                                            | 31 - 36 |
| <b>c</b> | <b>Government Buildings, Chalfont Drive - reserved matters</b>                                                                                                                     | 37 - 54 |
| <b>5</b> | <b>DATE OF NEXT MEETING</b><br>To note that the next meeting of Planning Committee is scheduled to take place on Wednesday 27 May 2015 (subject to confirmation at Annual Council) |         |

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

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

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT [WWW.NOTTINGHAMCITY.GOV.UK](http://WWW.NOTTINGHAMCITY.GOV.UK). INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

**NOTTINGHAM CITY COUNCIL**

**PLANNING COMMITTEE**

**MINUTES of the meeting held at Loxley House, Station Street, on 18 March 2015 from 2.30pm to 4.05pm**

**Membership**

Present

Councillor Chris Gibson (Chair)

Councillor Liaqat Ali

Councillor Cat Arnold (absent for minute 75)

Councillor Azad Choudhry

Councillor Alan Clark

Councillor Michael Edwards (absent for minute 77)

Councillor Gul Nawaz Khan

Councillor Ginny Klein

Councillor Sally Longford

Councillor Eileen Morley

Councillor Wendy Smith

Councillor Roger Steel

Councillor Malcolm Wood

Absent

Councillor Graham Chapman

Councillor Rosemary Healy

**70 APOLOGIES FOR ABSENCE**

Councillor Chapman – other City Council business

Councillor Healy – other City Council business

**71 DECLARATIONS OF INTERESTS**

Councillor Edwards declared an interest in item 4e, minute 77, Recreation Ground, Victoria Embankment, as he has previously promoted the scheme in his capacity as ward Councillor. He decided to take no part in the discussion or vote as a Member of the Planning Committee and left the room during consideration of the item.

**72 MINUTES**

The Committee confirmed the minutes of the meeting held on 18 February 2015 as a correct record and they were signed by the Chair.

**73 NOTTINGHAM UNIVERSITY HOSPITALS NHS TRUST - QUEEN'S MEDICAL CENTRE, DERBY ROAD**

Further to minute 109 dated 19 January 2011, Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 15/00056/PFUL3, submitted by Maber Architects on behalf of Nottingham

University Hospitals NHS Trust, for the erection of a 6-storey, 713-space car park, with the 7<sup>th</sup> floor area to be used as a helipad.

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.

During discussion, the following comments were made:

- (i) the Committee in general were positive about the visual impact of the proposal;
- (ii) the majority of Councillors expressed a preference for a varied colour finish, while only one preferred a single colour finish, in bronze;
- (iii) the addition of the helipad to this regional trauma centre was welcomed;
- (iv) some disappointment with the lack of sustainability credentials was mentioned;
- (v) a ward Councillor commented that the additional condition requiring an assessment of the risk of the helicopters to the tram was welcomed and, while some constituents had expressed concern about the impact of the helicopters, it was acknowledged that this was a matter for the Civil Aviation Authority.

#### **RESOLVED to**

- (1) 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, as amended by the update sheet, and the additional conditions listed within the update sheet, and subject to the following:**
  - (a) 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';**
  - (b) 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 and phasing arrangements embodied within the approved scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority;**

- (c) 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 and phasing arrangements embodied within the approved plan, within any other period as may subsequently be agreed in writing by the Local Planning Authority;**
- (d) no development shall commence until a scheme, to include 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:**

  - (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 (i) 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 (ii) 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 (iii) 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 and the scheme shall be implemented in accordance with the as approved details;**
- (e) 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;**
- (2) delegate authority to determine the final details of the conditions to the Head of Development Management and Regeneration.**

**74 LAND TO REAR OF AND INCLUDING BANTON HOUSE, MEADOW LANE**

Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 13/02877/PFUL3, submitted by Hunter Page Planning on behalf of Meadow Lane Regeneration Limited and Canal and River Trust, for the demolition of existing structures and redevelopment of the site to form 95 dwellings, 385sq/mt of retail and cafe floorspace (Class A1/A3), new vehicular access and parking, new waterfront pedestrian and cycle path and public open space.

During discussion, some members of the Committee raised concerns regarding the brutal style, of the buildings and the lack of decoration. It was noted that the proposal was on a prestigious riverside site and would be seen by visitors as they enter the City over Trent Bridge. The committee requested that further discussion take place with the applicant to consider introducing decorative features into the design of the buildings, and provide further visual information to allow members to give further consideration to the design.

**RESOLVED to defer consideration of the item to a future meeting to allow for further discussion with the applicant regarding the application, including the materials and design details of the buildings, and to request that CGIs showing views of the site from Trent Bridge be provided when the application is re-considered by members.**

**75 LAND ADJACENT ST THOMAS MORE RC CHURCH, GLENWOOD AVENUE**

Further to minute 43 dated 18 September 2013, Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 14/03062/PFUL3, submitted by Radleigh Group, for demolition of the existing garage and erection of fourteen new 3 and 4-bed detached/semi-detached houses, associated works and a new church car park.

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.

A member of the Committee stated that they were pleased that following the refusal and subsequent appeal of a previous scheme, which was dismissed due to the impact the development would have on badgers, the revised scheme had addressed this issue.

During the presentation, Councillor Arnold left the room for a short while.

**RESOLVED**

- (1) that, subject to prior completion of a Section 106 Planning Obligation which shall include financial contributions of £35,015.64 towards the upgrade or improvement of open space or public realm and £48,197.00 towards educational provision;**

**planning permission be granted 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;**

**(2) to include an additional condition as follows:**

**‘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’;**

**(3) to delegate authority to determine the final details of the terms of the Section 106 planning obligation and the conditions of the planning permission, including the additional condition at () above, to the Head of Development Management and Regeneration;**

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

#### **76 558 WOODBOROUGH ROAD**

Further to minute 53 dated 17 December 2014, Martin Poole, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 14/02106/PFUL3, submitted by Marsh Grochowski on behalf of Framework Housing Association, for the erection, following demolition of the existing buildings, of a 3-storey building incorporating 8 one-bed flats.

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.

During discussion, members stated that the redesigned proposed building before it today was infinitely better than the previously submitted one.

In response to a question, Mr Poole stated that should it be necessary, there was scope at the rear of the proposed building to increase the number of parking spaces.

#### **RESOLVED to**

**(1) grant planning permission for the reasons set out in the report, subject to no new material issues being raised in response to consultation, and subject to the indicative conditions substantially in the form of those listed in the draft decision notice;**

**(2) delegate authority to determine the final details of the conditions of the planning permission, and any new material issues raised following consultation, to the Head of Development Management and Regeneration.**

**77     RECREATION GROUND WEST OF WILFORD GROVE, VICTORIA**  
**EMBANKMENT**

Prior to consideration of the item, and with the consent of the Chair, Councillor Edwards, in his capacity as a Ward Councillor for the area, spoke in favour of the proposal.

Following his speech, having declared an interest in his capacity as a Planning Committee member, he left the room and took no part in the discussion or vote on the item.

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 15/00085/NFUL3, submitted by Maber Architects on behalf of Nottingham City Council Parks and Open Spaces, for erection of a new sports pavilion following demolition of the existing building.

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.

During discussion, it was stated that this was a successful solution that echoed the design of the pavilion it would replace, although, in keeping with traditional cricket pavilions, inclusion of a clock on the façade would have been welcomed.

**RESOLVED to**

- (1)     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;**
- (2)     delegate authority to determine the final details of the conditions of the planning permission to the Head of Development Management and Regeneration.**

**78     142 HARLAXTON DRIVE**

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 14/01968/PFUL3, submitted by Ashton King on behalf of Mr S Meah, for conversion of a two storey, five bedroom family dwelling to 2 flats.

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.

Members of the Committee stated that while they sympathised with the current owners and their inability to sell the property, there was also a need to hold a strong line in areas with an already high concentration of Houses in Multiple Occupation. A



counter view was also expressed in favour of choice and an understanding that there was a demand for smaller accommodation.

**RESOLVED to refuse planning permission for the following reasons:**

- (1) that 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;**
- (2) that the property is located in an area with an existing transient population and high concentration of students and it is therefore likely that the development 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;**
- (3) due to the resolutions in (1) and (2) above, the proposal is 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.**

This page is intentionally left blank

WARDS AFFECTED: Bridge

Item No:

**PLANNING COMMITTEE**  
**22nd April 2015**

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

**Car Park On Site Of Queens House, Queens Road**

**1 SUMMARY**

Application No: 15/00462/PFUL3 for planning permission

Application by: CPMG Architects Ltd on behalf of Langar Investments Ltd

Proposal: New student development comprising 215 self-contained units with ancillary accommodation at ground floor and associated works.

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

To meet the Council's Performance Targets this application should be determined by 18th May 2015

**2 RECOMMENDATIONS**

**1. GRANT PLANNING PERMISSION** subject to the conditions substantially in the form of those 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 £86569.75 towards the improvement and provision of sport, recreational and visitor facilities at the Meadows Recreation Ground;
  - (ii) A student management scheme which shall include a restriction on car usage.

(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 the conditions of planning permission to be delegated to the Head of Development Management and Regeneration.

**2.1** 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.

**2.2** That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

- 3.1 The application relates to a cleared site currently in use as a surface car park. The site is located to the western corner of Queens Road and Summer Leys Lane. To the west and adjoining the site is Meadow Mills, a Grade II listed building. This building is used as a self storage facility. To the east on the opposite corner of Summer Leys Lane is the Hicking building, comprising apartments. To the north on the opposite side of Queens Road is a surface car park and beyond this is the railway station. To the south Tinker's Leen adjoins the site, with a single storey building straddling the watercourse. Beyond this building and to the corner of Summer Leys Lane and Crocus Street are further industrial/commercial buildings.
- 3.2 The site is within the Station Conservation Area and is also located within Flood Zone 2.
- 3.3 In 2007 planning permission was granted for an 8 storey building comprising 92 self-contained apartments and ground floor retail. (Reference 06/00056/PFUL3). This building included parking for cars at ground and basement levels. It was proposed to be built predominately in brick with the top two levels having timber panelling and glazed areas. The planning permission has now lapsed.

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

- 4.1 The current proposal is for student development comprising 215 self-contained units with ancillary accommodation at ground floor, and associated works.
- 4.2 The building would have 8 storeys with the majority of the 215 studio bedrooms located on the upper floors. A reception, gym, cycle storage, laundry facility and function and common rooms are to be incorporated on the ground floor. The building would have primary elevations facing Queens Road and Summer Leys Lane, and returning to face Tinkers Leen. The building would form a loose 'U' shape. 7 studio units would be to the rear of the ground floor and would be arranged around an open landscaped courtyard. The wing facing the Tinkers Leen would be staggered at each floor, gradually reducing in floor area so as to provide the end units with roof terraces, and to allow light to penetrate the courtyard area. Other units on the inner, secondary, elevations would have Juliette balconies. Most of the units on the seventh floor would have access to their own roof terrace.
- 4.3 The ground floor would be slightly set back from the back edge of pavement with the upper floors being in line. The building would be finished in a dark rainscreen cladding to the primary frontages, with treated timber cladding to the elevations which face into the courtyard. The top floor, which is set back from the lower floors, would be mainly glazed with the roof finished with an aluminium standing seam design.
- 4.4 The developer is offering local employment and training opportunities during the construction phase of the development.

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

#### **Adjoining occupiers consulted:**

Boots rear stores, Queens Road  
48-50 Queens Road

Apartments 1 – 116 inclusive (no 13), Block 2, The Hicking Building Queens Road  
Nottingham Bearing Company Crocus Street  
W H Tew Engineering Ltd Crocus Street  
7 Crocus Street

A site notice was posted and a press notice published. The overall expiry date was 29<sup>th</sup> March 2015.

Five letters received.

One letter from Nottingham Civic Society:

- The height and bulk of the building would overwhelm Meadows Mill (listed building) and detract from its setting.
- The scale would result in a dark and gloomy courtyard.
- The design of the building does not relieve its massive appearance.
- The design is overwhelmingly horizontal in its impact.
- Proposed materials not appropriate.
- Student occupation welcomed as would add activity and vitality to the area.

Four other objections are:

- Site too small for 215 student flats, would result in over development and be claustrophobic on the street.
- Noise, mess and anti-social behaviour from student flats.
- Should follow the scale of the new station car park building.
- The building should only be 4 storeys high plus ground floor (taken from a reference in the City Centre Design Guide)
- Main entrance should be off the major road (Queens Road)
- Single aspect apartments not to be permitted if they are less than 6m long.
- The proposal removes a parking facility in an area where parking is already limited.
- Student population would dominate the area.
- Contrary to Local Plan policies H6 and ST1 and to the Building Balanced Communities SPD.
- The drop off/pick up area appears unsuitable for the scale of the development. This will lead to further on street parking problems. The scheme should include parking.
- Is the development sustainable e.g. long term use and alternatives.
- Is the ground contaminated as no information submitted in relation to this.
- The proposed building would affect the existing view and access to light for the occupiers of Hicking Building.
- Privacy would also be affected.

**Additional consultation letters sent to:**

**Heritage and Urban Design:** The building is welcomed within the Southern Gateway. Although it is a large building, the height and overall massing appear appropriate to the surrounding context, characterised by a number of large Victorian warehouses. The success of the building relies on robust, high quality, materials. The contemporary appearance of the building would be enhanced with the use of a dark aesthetic which would ensure the longevity of the appearance of the building, along what is a heavily trafficked route.

**Pollution Control:** Recommend pre-commencement conditions relating to sound insulation, remediation strategy for contamination and a scheme for air quality management.

**Highways:** Recommend pre-commencement conditions relating to a construction management plan, removal of drop off/pick up point, re-instatement of redundant crossings in the highway, and details of any street trees.

**Environment Agency:** To be reported at Committee.

**Drainage:** Due to risk of flooding, recommend that the ground floor units should be omitted. Condition required regarding surface water run off rate.

**Regeneration:** This development is in the Southern Gateway area of the City. The Council's priority for the core of the Southern Gateway area around Arkwright Street is for Office led development however for less central sites in this area, residential development would be appropriate including Student residential schemes. This development is an important development adding to the growing momentum of physical redevelopment of the Southern Gateway area and is in line with the Regeneration Agenda for the area.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF sets out the core planning principles in paragraph 17, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; encourage the efficient use of land by reusing brownfield land, secure high quality design; promote mixed use developments, conserve heritage assets, support the transition to a low carbon future, 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 19 states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.4 Paragraph 56 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the

development, with paragraph 61 advising this not just limited to architectural appearance but wider design issues such as connectivity and integration of new development into the built and historic environment.

- 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 Paragraphs 128 to 134 sets out the key considerations in determining applications relating to heritage assets. They state that local planning authorities should identify and assess the particular significance of any heritage asset and when considering the impact on the heritage asset, should have regard for its level of significance. The greater the significance of the asset, the more weight should be attributed to its protection. Paragraph 137 considers that LPA's should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance and better reveal their significance.

### **Aligned Core Strategy:**

Policy 7: Regeneration – seeks to develop the Southside Regeneration Zone as a mixed use business district, with a predominance of offices, supported by residential development, new hotels and complementary retail and leisure activity across a number of key sites.

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.

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

ST1 - Sustainable Communities.

BE10 - Development Around Listed Buildings.

BE12 - Development in Conservation Areas.

H2 - Density.

H6 - Student Housing.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

R2 - Open Space in New Development.

### **Building Balanced Communities SPD (BBC SPD)**

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

### **Main Issues**

- (i) Principle of the Development.
- (ii) Building Design including impact on the character or appearance of the Station Conservation Area and the setting of a Listed Building.
- (iii) Impact on Neighbours.

### **Issue (i) Principle of the Development** (Aligned Core Strategy Policy 7, Local Plan Policies ST1, H2 and H6 and the BBC SPD)

- 7.1 The application site is within the Southside Regeneration Zone which is designated for office led mixed use development. Although there is a focus on offices, other supportive uses such as residential development, hotels and complementary retail and leisure are also supported and would contribute to the regeneration of this area and the economic prosperity of the City. The proposal would therefore accord with Policy 7 of the ACS and Policy ST1 of the Local Plan.
- 7.2 The proposal would be compatible with the mixed use characteristics of the surrounding area and would be close to a choice of sustainable means of transport, including, trains, buses and the extended tram network, giving direct access to both of the City's universities. It is also close to the city centre and services such as shopping, entertainment and health. The size and quality of the units are acceptable, with each unit having its own kitchen area and separate bathroom. There are generous communal facilities to the ground floor.
- 7.3 This is considered to be a favourable location for student accommodation that is situated away from family housing and in particular the areas of high student concentration within the traditional housing stock. Subject to a suitable Student Management Plan then the proposal would accord with Policy H6 of the Local Plan and the BBC SPD.

### **Issue (ii) Building Design, Impact on character or appearance of the Conservation Area and on the setting of a listed building** (Aligned Core Strategy Policy 10, Local Plan Policies BE11 and BE12)

- 7.4 The proposed building would be eight storeys, with the uppermost floor set back and largely glazed. It is of a height and scale commensurate with that of the buildings to either side, namely, the Hicking Building and Meadow Mills. The height also conforms to the guidance set out in the NCC Urban Design Guide which states that opportunities exist for taller buildings in the vicinity of the Station Hub. The set back of the uppermost level helps to soften the height and reflects the clerestory approach of the adjacent buildings. The Civic Society have highlighted the City Centre Urban Design Guide's reference to buildings in the Southside Regeneration Area being ground + four storeys in scale. This is felt to be a very general guide and as mentioned elsewhere, taller buildings are recognised as being appropriate in the vicinity of the station. It is also noted that whilst having a greater number of floors, the proposal is of a comparable scale to the Hicking building which is 4 + 2 storeys in height; the difference a result of a change in the floor to ceiling heights. To the rear wing, overlooking the Tinkers Leen, the floors are staggered to further reduce the scale and massing and to allow for greater light penetration to the rear elevations overlooking the courtyard.



- 7.5 There are both horizontal and vertical elements to the adjacent Hicking building, with a horizontal emphasis created by the width of the building and its very strong and regular fenestration pattern. The proposed building has strong vertical elements to emphasise the corners and horizontal bands of windows with deep reveals.
- 7.6 The materials proposed are dark rainscreen cladding to the external facing elevations and a treated timber cladding to the internal elevations (facing into the courtyard). The dark but neutral aesthetic is felt to be an appropriate response to context; the building would read as a very obviously contemporary addition to the Queens Road frontage that would contrast positively with the larger scale and very wide red brick buildings either side. A red brick for the proposed building was not necessarily felt to be the right response, which would have over emphasised the 'wall' like effect that the current buildings present to Queens Road. The dark finish is also a robust and durable response to the weathering associated with traffic along this stretch of the inner ring road. The contrasting approach to the inward facing elevations is to provide a lighter and warmer feel to this more private space, which would enhance the sunlight penetrating this part of the building and make the courtyard a more welcoming place to use as break out space from the communal areas.
- 7.7 In conclusion it is felt that the proposed building would enhance the character and appearance of the Station Conservation Area and the setting of the adjacent listed building. Furthermore, in respect of the listed building, Meadows Mill, there will be a sufficient gap between this and the proposed development such that it would not be detrimental to its immediate setting.
- 7.8 There would be no parking provision associated with the development and this is considered to be acceptable given the sustainable location of the site. It is noted that there is pressure for on street parking resulting from local businesses, residents and commuters. A scheme of on street charging for parking is to be introduced in the area in the near future, which will alleviate pressure.

**Issue (iii) Impact on Neighbours** (Aligned Core Strategy Policy 10 and Local Plan Policies NE9 and H6)

- 7.9 The proposal would have an acceptable impact on the amenities of adjacent occupiers to the north, west or south. The nearest residential property is in the Hicking building to the east. Some of the apartments in this building would face the proposed development, with a distance of 13m between the two buildings. As this is a city centre residential development where the density and proximity of developments are closer together, it is considered that the relationship between the two buildings is acceptable.
- 7.10 In terms of noise and disturbance for the occupiers of the adjacent residential property, a suitably worded student management plan would be required as part of any planning permission, secured under the Section 106 obligation. The plan would include details of those responsible for managing the occupants, including an out-of-hours contact number and other measures such as a moving in/out strategy, in order to minimise the potential for any disturbance for the neighbouring occupiers.

## **Other Matters**

### **Flooding (Local Plan Policy NE10)**

- 7.11 The site is located within Flood Zone 2. The proposed scheme reduces impermeable areas of the site through the introduction of landscaped areas and a safe access/egress route has been identified via London Road. Other measures such as appropriate surface water drainage would be incorporated in to the building and it is considered that the development would not contribute to flood risk in this area or on this site. With regard to the recommendation from Drainage requesting that there be no accommodation on the ground floor, the consultation response from the Environment Agency is awaited before a definite conclusion is reached on this matter. An update will be provided at Committee.

### **Highway Improvements (Aligned Core Strategy Policy 10)**

- 7.12 Street trees are proposed to the Summer Leys Lane frontage which will be secured through condition. Other improvements such as the re-instatement of redundant crossings can also be addressed by condition. Any amendments required to Traffic Regulation Orders can be dealt with through the appropriate highway's legislation (a section 278 agreement).

### **Open Space Provision (Local Plan Policy R2)**

- 7.13 A financial contribution of £86569.75 for off-site open space provision is to be secured in the S106 Agreement that would be directed towards the improvement and provision of sport, recreational and visitor facilities at the Meadows Recreation Ground. This work forms part of the wider proposals included in the Victoria Embankment and the Meadows Recreation Ground Master Plan. As referred to in section 2.2 of the Recommendation, this financial contribution would not exceed the permissible number of obligations that can be secured for this infrastructure project according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

## **8. SUSTAINABILITY / BIODIVERSITY**

The building would be connected to the District Heating system and photo-voltaic panels are to be provided to the south facing roof slope.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

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

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: Providing a high quality and sustainable development.

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

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 15/00462/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NJV5FELYCB000>

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

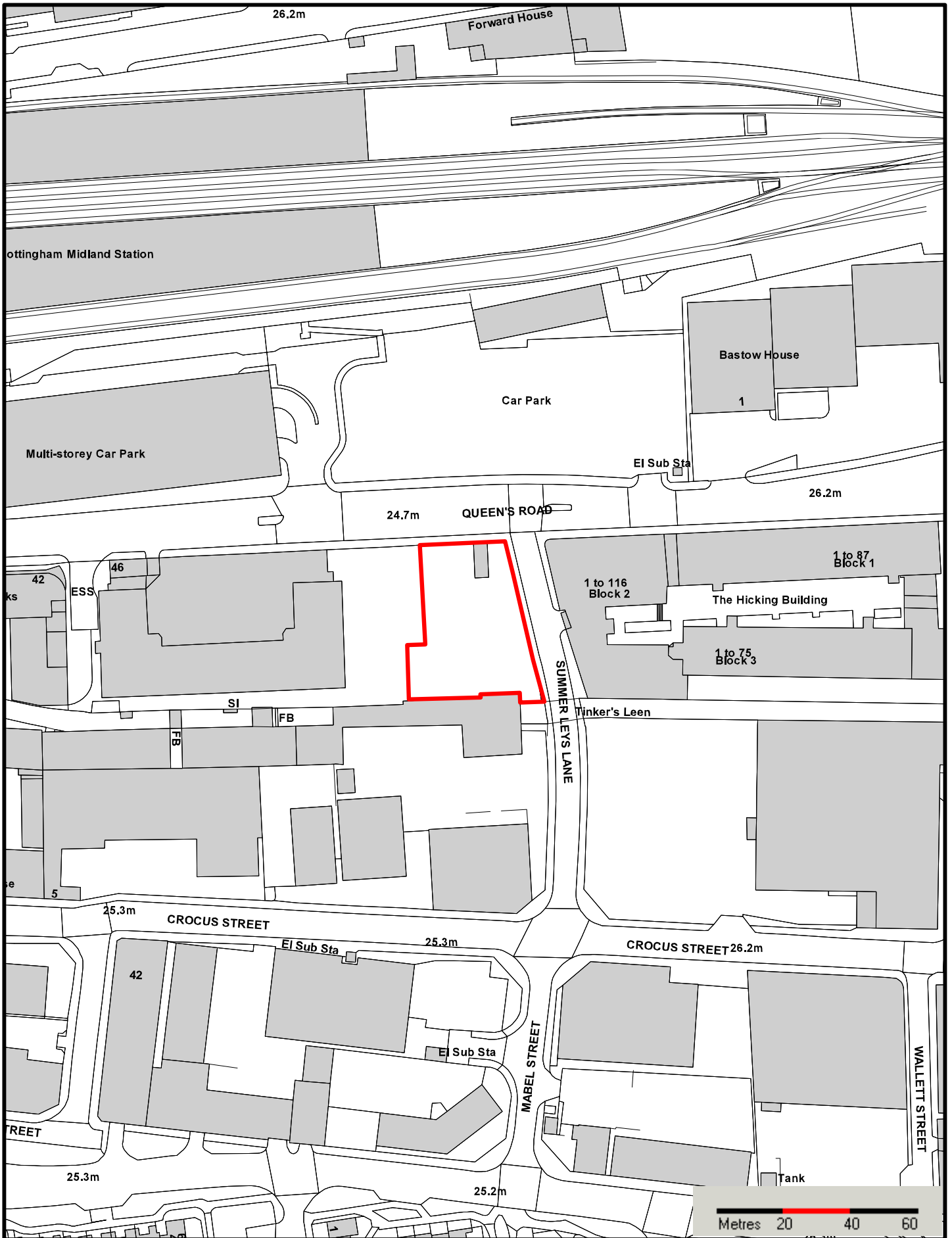
Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Sue Davis, Case Officer, Development Management.

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





© Crown Copyright and database right 2014. Ordnance Survey License number 100019317



**My Ref:** 15/00462/PFUL3 (PP-03331443)  
**Your Ref:**  
**Contact:** Mrs Sue Davis  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

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

CPMG Architects Ltd  
FAO: Mr Steve Milan  
23 Warser Gate  
Nottingham  
NG1 1NU

Date of decision:

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

Application No: 15/00462/PFUL3 (PP-03331443)  
Application by: Langar Investments Ltd  
Location: Car Park On Site Of Queens House, Queens Road, Nottingham  
Proposal: New student development comprising 215 self-contained units with ancillary accommodation at ground floor and associated works.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

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

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

3. The development shall not be commenced until details of all doors and windows including a large scale sectional drawing of 1:20 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.*

4. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of any proposed trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority. A management and maintenance plan for the landscaping shall also be included.

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

5. The development hereby permitted shall not be commenced until details of sustainable drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The information shall seek to demonstrate, as a minimum, details of how run-off rates will be reduced by 30% with the use of SuDS techniques.

*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.*

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

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

The sound insulation scheme shall have regard to the acoustic planning assessment carried out by Sharps Redmore dated 09/02/2015 (ref 1414317), the location of the site in an AQMA and include the specification and acoustic data sheets for plant and equipment, glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve the following internal noise levels:

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

Furthermore plant which may result in perceptible vibration in residential rooms shall be isolated from the structure and noise levels in residential rooms from this source shall not exceed NR 20.

The approved sound insulation scheme shall be installed and retained for the life of the development.

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

8. The development shall not be commenced until details of a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, and having regard to the Phase 1 Detailed Desk Study dated 09/04/2014 (ref EB/1341/GL/3681) by Curtins, has been submitted to and approved in writing by the Local Planning Authority:

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

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

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



9. The development shall not be commenced until details of an air quality management scheme have been submitted to be approved in writing by the Local Planning Authority.

The scheme shall apply to the ground, first and second floor parts of the development which have a façade facing Queens Road and shall include design techniques and/or other physical measures which reduce the exposure of future residents to poor air quality.

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

10. The development shall not be commenced until details of the appearance and siting of the photovoltaic panels 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 in the interests of sustainable development, to comply with Policies 1 and 10 of the Aligned Core Strategy.*

11. The development shall not be commenced until details of the street trees to be installed on Summer Leys Lane have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location, type, height and species of each tree along with details of any build-outs and other necessary alterations to the public highway.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of highway safety, to comply with Policy 10 of the Aligned Core Strategy.*

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

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

12. The accommodation shall not be occupied until the secure cycle storage has been provided and made available for use.

*Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.*

13. The accommodation shall not be occupied until the building's connection to the District Heating System is completed and operational, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.*

14. No part of the accommodation shall be occupied until the drainage plans have been installed in accordance with the details approved in relation to condition 5.

*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. The accommodation shall not be occupied until any redundant footway crossings and/or damaged or other altered areas of footway or highway, have been reinstated/repared.

*Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.*

16. The accommodation 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, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

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

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

17. No part of the development shall be occupied until the sound insulation scheme, including glazing and any complementary acoustical ventilation, has been installed in accordance with the details approved in relation to condition 7.

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

18. No part of the accommodation shall be occupied until the air quality management scheme has been implemented in accordance with the details approved in relation to condition 9.

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

19. The accommodation shall not be occupied until the photovoltaic panels have been installed and are operational in accordance with the details approved in relation to condition 10.

*Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.*

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

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

21. The approved street trees shall be planted within 6 months of the first occupation of the accommodation.

*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:  
Location Plan, received 19 February 2015  
Plan reference 001, received 19 February 2015  
Elevations reference 002 revision P1, received 5 March 2015  
Elevations reference 003 revision P1, received 5 March 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. Highway advice:

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.

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

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.

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.

4. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233: 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.

5. 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.

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.

## 6. Air Quality

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

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

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

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

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

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

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

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

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: 15/00462/PFUL3 (PP-03331443)

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

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

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

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

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

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

## PURCHASE NOTICES

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

## COMPENSATION

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

**WARDS AFFECTED:** Leen Valley

**Item No:**

**PLANNING COMMITTEE  
22 April 2015**

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

**Government Buildings, Chalfont Drive**

**1 SUMMARY**

Application No: 09/02049/POUT for outline planning permission

Proposal: To modify the existing planning obligation relating to the development at the former Government Buildings, Chalfont Drive.

The proposal is brought to Committee as it relates to the modification of a planning obligation which was linked with an application previously considered by the Committee, and such modification will result in the affordable housing contribution being less than typically required by adopted planning policies.

**2 RECOMMENDATIONS**

- 2.1 That authority is granted to modify the section 106 agreement dated 17 November 2011 (as varied on 18 October 2013) in relation to the former Land Registry Buildings, Chalfont Drive in the following respects:
- i) To require a financial contribution towards education provision of £1,021,517;
  - ii) To require a 16.8% on-site affordable housing scheme (in place of the existing obligation to provide 20% on-site affordable housing);
  - iii) To provide reimbursement for the provision of Kangaroo Passes to all households to a total maximum value of £166,905 (in place of the existing obligation to issue Smarter Choices Packs to each household) and
  - iv) That the local planning authority may agree with the developer that the value of the equipped play area to be provided on site may be less than £120,000.
- 2.2 Details of the modification agreement to be delegated to the Head of Development Management and Regeneration.

**3 BACKGROUND**

- 3.1 The outline application for the residential redevelopment of the Land Registry site on Chalfont Drive was approved at Committee in June 2010 and October 2010, for the redevelopment of the site with up to 475 residential units, retention of bunker for part storage (B8) of archives and part-combined heat and power facility; provision of public open space and construction of access roads.
- 3.2 The above approval to grant permission was subject to the prior completion of a Section 106 obligation requiring the following:
- i) Local employment and training during the construction of the development;

- ii) A 20% on-site affordable housing scheme to be based substantially on the following - Rented 12%, Shared Equity 8%;
- iii) Provision of an equipped play area to a value of £120k;
- iv) A package of integrated transport measures to include:
  - a) Upgrade of Medilink bus service – contribution to additional bus (£100k)
  - b) Smarter Choice Packs for each dwelling which would include either an Easy Rider card with free public transport for a year or a lump sum for a bike;
- v) Provision of a Travel Plan Co-ordinator and;
- vi) On-going management and maintenance arrangements for the public open space, equipped play area, other amenity land, Sustainable Urban Drainage System/swale, bunker, Combined Heat Power plant, community garden.

3.3 On 17 November 2011 the Section 106 agreement (“the 2011 agreement”) was completed and the planning permission issued on 25 November 2011.

3.4 At the request of the Land Registry the 2011 agreement was varied on 18 October 2013. This variation deed allowed demolition of existing buildings, clearance of the site and preparatory works to be carried out without triggering the planning obligations in the 2011 agreement. It did not alter the substance of the benefits secured by the 2011 agreement.

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

4.1 A reserved matters application (planning ref: 14/02823/PRES4) has now been submitted by Bellway Homes for Phase 1 of the development permitted by the outline consent. It proposes development of the northern part of the site with 345 dwellings and associated infrastructure. This reserved matters application is considered in a separate report and is recommended for approval.

4.2 The reserved matters application has been accompanied with a proposal to modify the 2011 agreement. . The first element of the proposed modification is the securing of an education contribution of £1,021,517 towards primary and secondary school places in the catchment area of the development where no contribution for this benefit was previously included.

4.3 The second element of the proposed modification is the reduction of affordable housing on site from 20% to 16.8 % together with a change of tenure mix. Rather than the 12% rented and 8% shared equity as per the 2011 agreement, it is proposed that 58 affordable homes will be provided of which 10 are to be social rent and 48 are to be low cost discounted sale units at 85% market value.

4.4 The third element of the proposed modification is the updating of the package of integrated transport measures. The 2011 agreement required the developer to provide each dwelling with a Smarter Choices Pack which would include an Easy Rider City Card entitling the holder to free local public transport for a year, or a £350 voucher towards the purchase of a bicycle. Instead, under the modification proposals a Kangaroo Pass for 9 months free local public transport would be issued on request to each 3 or 4 bedroom dwelling, and a Kangaroo Pass for 6 months free local public transport would be issued on request to each 2 bedroom dwelling.



The developer would meet the cost of the Kangaroo Passes issued to a total maximum contribution of £166,905.

- 4.5 The fourth and final element of the proposed modification relates to the on-site equipped play area. Under the 2011 agreement the developer was obliged to submit a scheme, to be approved by the Council, for this play area including its location, the equipment to be provided (whose cost should not be less than £120,000) and maintenance and management arrangements. The proposed modification would allow the Council to approve a scheme which would meet its requirements but whose equipment cost fell below this sum. All other requirements in relation to the equipped play area in the 2011 agreement would remain unchanged. .
- 4.6 All other terms of the 2011 agreement including the provision of a Travel Plan co-ordinator, on-going management and maintenance arrangements for all open space and other amenity land, SuDs together with employment and training provisions will remain unchanged. .
- 4.7 The proposal has been accompanied by a Viability Appraisal which sets out viability challenges with delivery of the scheme and supports the S106 package being proposed. .

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

Officers in the Education, Housing Strategy, Highways and Parks and Open Spaces Service Areas have been consulted on the proposed modification of the 2011 agreement and have indicated their support for the revised S106 package.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

H5 – Affordable Housing  
R2 – Open Space in New development

## **7. APPRAISAL OF PROPOSAL**

- 7.1 A contribution towards education was not required when the 2011 agreement was negotiated and completed as part of the outline consent. The Council's Education Service has subsequently identified a potential shortfall in the number of primary and secondary places in the catchment area of the Chalfont Drive site and has requested that the modification of the 2011 agreement includes a financial contribution of £1,021,517 towards the provision of additional education facilities within the scheme's school catchment area.
- 7.2 The Viability Appraisal has identified that whilst the site could provide the requested contribution towards education, the provision of an equipped play area and the package of integrated transport measures, there would be viability issues with the delivery of 20% of the scheme as affordable housing, as currently required by the 2011 agreement. The Appraisal submits that the scheme could support a maximum of 16.8 % as on site affordable housing but no more than that to remain viable. .

- 7.3 An alternative option would not be to include an education contribution as part of the S106 modification package and direct any monies generated by this towards affordable housing provision. Given that the reserved matters application for Phase 1 proposes 345 dwellings, the development will create significant educational demand. The reduction of affordable housing on the site to 16.8% is therefore considered to be justified on the basis of the future capacity issues for primary and secondary schools in the catchment area and that this issue demonstrates a greater need in this particular instance than affordable housing, when faced with viability constraints.
- 7.4 Housing Strategy are satisfied with the proposed level of affordable housing and tenure mix.
- 7.5 The Council has appointed an independent surveyor to review the viability of the scheme and the conclusions were that the proposed residential development has significant viability challenges if 20% on site affordable housing was required. Furthermore the independent surveyor agreed with the conclusions of the Viability Appraisal and that the scheme could only provide a maximum of 16.8% affordable housing on site as part of the proposed package of S106 contributions.
- 7.6 Having regard of these factors it is considered appropriate to direct any S106 monies towards education provision. It is recognised that in this regard the aims of Policy H5 of the Local Plan are not met, but in the context of the viability challenges of the development and the significant benefits that the overall scheme will provide, the inability of the proposal to provide 20% affordable housing as a direct result of funds being channelled to education provision is accepted.
- 7.7 Approval is therefore sought for the modification of the S106 obligation as outlined in the recommendation above.

## **8. SUSTAINABILITY / BIODIVERSITY**

The proposal raises no such issues to be considered at this time.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

It is open to the Council as local planning authority to agree to the modification or discharge of a section 106 agreement at any time under section 106A of the Town and Country Planning Act 1990. Any modification or discharge can only be effected by deed.

Other legal implications are as set out elsewhere in this report.

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham – Providing a high quality and sustainable residential development, particularly promoting housing for families

Safer Nottingham – Providing a residential development with secure property boundaries and well surveilled streets, routes and open spaces

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

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

Section 106 Agreement, 17 November 2011

Section 106A Variation Agreement, 18 October 2013

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

Planning application (outline application for 475 residential units)

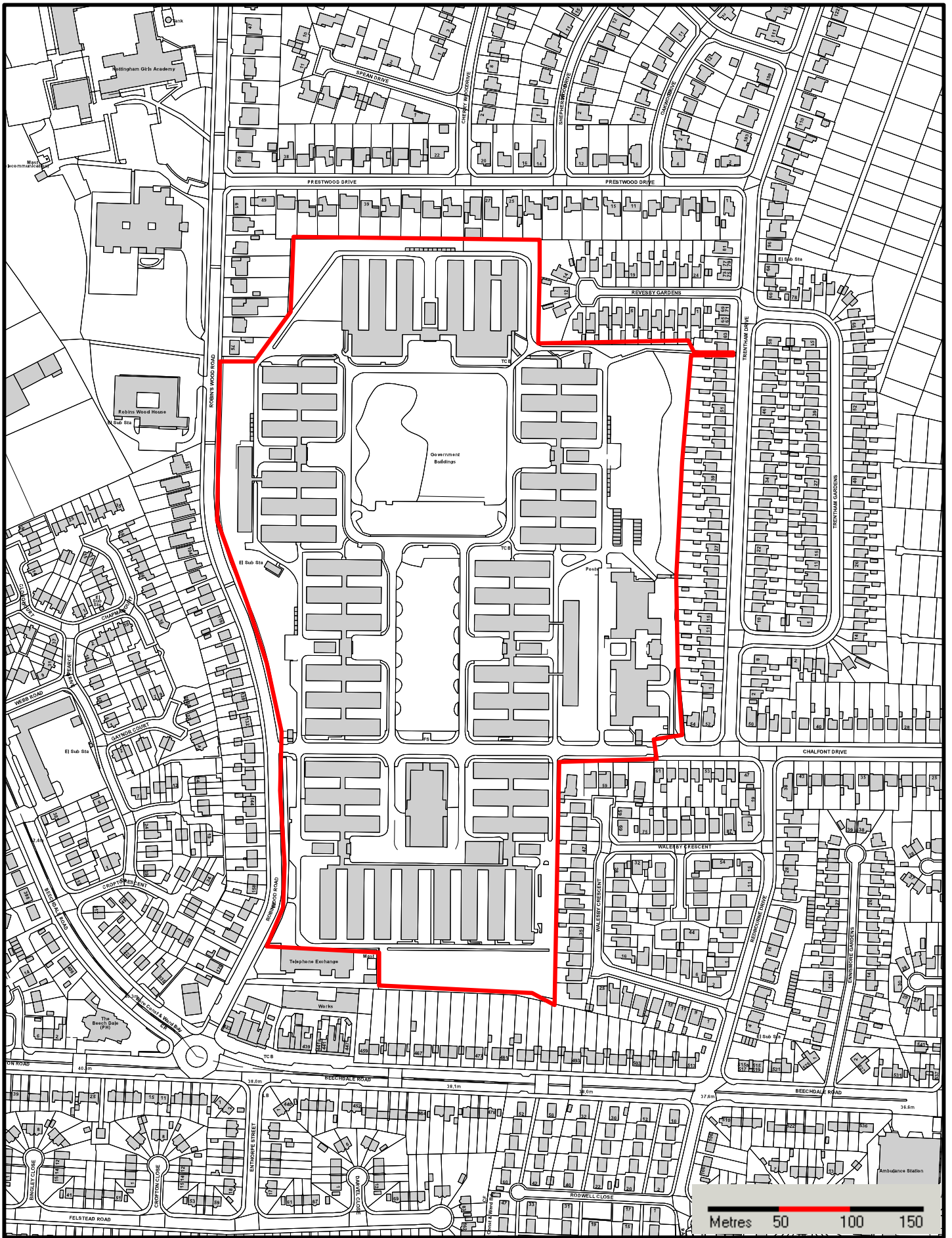
Planning Application 14/02823/PRES4 (reserve matters application for 345 dwellings)

Nottingham Local Plan (November 2005)

**Contact Officer:**

Joanna Briggs, Principal Planning Officer, Planning Services

Email: [Joanna.briggs@nottinghamcity.gov.uk](mailto:Joanna.briggs@nottinghamcity.gov.uk) Telephone: 0115 876 3132



© Crown Copyright and database right 2014. Ordnance Survey License number 100019317



**WARDS AFFECTED:** Leen Valley

**Item No:**

**PLANNING COMMITTEE  
22nd April 2015**

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

**Government Buildings, Chalfont Drive**

**1 SUMMARY**

Application No: 14/02823/PRES4 for approval of reserved matters

Application by: Urbanissta Development Planning on behalf of Bellway Homes East Midlands

Proposal: Reserved matters for 345 dwellings (Phase 1) of outline planning consent reference 09/02049/POUT (details of layout, access, scale, appearance and landscaping).

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

To meet the Council's Performance Targets this application should have been determined by 23rd February 2015. Given the complex and lengthy nature of negotiations, an extension of time to determine the application has been agreed with the applicant.

**2 RECOMMENDATIONS**

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

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

**3 BACKGROUND**

**Site**

- 3.1 The Land Registry site extends to 13.42 hectares (33.16 acres) of which approximately 60% was covered with largely single storey office buildings, roads and car parks. These were set within landscaped grounds comprising grassed areas interspersed with small domestic scale tree planting and a few groups of larger more mature trees. The site slopes gently from north to south and also contains, towards its southern end, a Grade II Listed nuclear bunker that was to house the regional seat of government in the event of nuclear attack. The Land Registry and other occupants, consisting of government and public sector organisations have now vacated the site and the existing vacant buildings are currently in the process of being demolished. The Land Registry has relocated to Castle Wharf House, the former Evening Post building located at the corner of Canal Street and Wilford Road.

- 3.2 This application specifically relates to the northern 10.38 hectares of the Land Registry site which extends northwards from Chalfont Drive. The southern part of the site, which includes additional office buildings and the listed bunker, does not form part of this planning application.
- 3.3 With the exception of its western boundary which runs alongside Robins Wood Road, the site is surrounded by housing and bungalows whose rear gardens back onto the site but front Prestwood Drive, Revesby Gardens, Trentham Drive and Chalfont Drive. The site is served by two existing vehicular access points from Robins Wood Road to the west and Chalfont Drive to the east.

### **Relevant Planning History**

- 3.4 In November 2011 outline planning permission (reference: 09/02049/POUT) was granted for up to 475 dwellings, together with open space, vehicular accesses and service infrastructure. All matters were reserved on this outline application, however the submission included a masterplan and design code that set a framework for future detailed proposals. The permission was granted on the basis that the proposal would bring forward a mix of 2-5 bedroom properties, including 20% affordable housing. The outline planning permission was subject to numerous planning conditions and a Section 106 Agreement which in addition to securing affordable housing also secured the provision of an equipped play area to a value of £120k, public transport and sustainable transport measures, on-site management of open space, the swale, the bunker, CHP plant and community garden.
- 3.5 This outline permission has now expired, but the current reserved matters application was submitted before it did so and is therefore a valid scheme. However, a new planning application will be required for the development of the remaining southern part of the site, including the listed bunker.
- 3.6 In October 2014, a full planning application was also submitted by Bellway Homes for the development of the northern part of the site for 345 dwellings and associated works (planning ref: 14/02427/PFUL3). This application, in terms of its layout and design, is the same scheme as the reserved matters application for 345 dwellings. The application is still under consideration and must be assessed afresh, in line with current policy and technical requirements. It is not in a position to be determined at this stage.

## **4 DETAILS OF THE PROPOSAL**

- 4.1 The application seeks reserved matters for Phase 1 of the outline development approved in November 2011. The reserved matters in question are layout, access, appearance, scale and landscaping for 345 dwellings, along with associated details. The proposed layout is informed by the indicative masterplan approved at outline stage and the 345 dwellings comprise:

2 bedroom apartments: 18 (6%)  
2 bedroom: 38 dwellings (11%)  
3 bedroom: 60 dwellings (17%)  
4 bedroom: 229 dwellings (66%)

- 4.2 The dwellings are predominately two storey in height but with some two and a half storey houses and five bungalows also included. The 18 apartments would be

accommodated in two x3 storey apartment buildings located at prominent corners in the centre of the scheme.

- 4.3 The layout has evolved the principles of the masterplan and proposes character areas that are defined by a street hierarchy. There are six character areas comprising the 'Boulevard' which forms the main vehicular route through the site, the shared surfaced 'Lanes' on the outskirts of the development to the east and north, the 'Green' which surrounds the central area of open space, the 'Swale' which incorporates the primary SUDs feature, and the 'Mews' style streets within the denser central parts of the layout.
- 4.4 Vehicular access is to be provided at three key points. Existing vehicular access points on Chalfont Road and Robins Wood Road would be utilised, together with a third new vehicular access point further to the north on Robins Wood Road. Four additional pedestrian/cycle access routes are also proposed along the western boundary to link the development with Robins Wood Road. The existing pedestrian footpath in the north east corner of the site from Trentham Drive is to be closed.
- 4.5 The proposed dwellings are largely traditional in their design with brick walls, steep tiled roof pitches, classic fenestration and entrance porches. The two apartment buildings would be of traditional proportion but with contemporary features. A palette of different brick and roof tiles are proposed to add variety to the streetscenes.
- 4.6 The key feature of landscape proposals is a large area of open space measuring approximately 0.8 hectares in size (approx 92m x 87m) identified as the 'Green' on the layout. The 'Green' contains a large grouping of retained mature trees, a children's play area and surface water attenuation pond. From the 'Green' the infrastructure of the site expands southwards with the incorporation of a tree lined 'Swale' (a green channel to hold surface water), linking the 'Green' with the listed bunker. Several other pockets of green space, with retained mature trees, are proposed throughout the layout with the largest being two green areas adjoining Robins Wood Road. A strong tree lined 'Boulevard' is proposed as the main east to west route and street trees are additionally proposed elsewhere throughout the layout.
- 4.7 The applicant has also made a request to vary the S106 package approved as part of the outline consent. The proposed variations to the S106 Obligation are presented in a separate report. That report addresses issues relating to affordable housing, education and integrated transport measures.

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

### **Adjoining occupiers consulted:**

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

Beechdale Road – 511-519 (odd), Beechdale Service Station

Chalfont Drive – 3-12 and 4-61

Oakwood Drive – 2

Prestwood Drive – 1-12, 14-39 and 41-49 (odd)

Redbourne Drive – 1-12, 14-20, 22-38 (even)

Revesby Gardens – 1-12 and 14-24

Robins Wood Road – 33, 57-75 (odd), 92-170 (even), Nottingham Girls Academy,  
The Martin Jackaman Centre, Robinswood House  
Trentham Drive – 1-12 & 14-64, 65-81 (odd), 96-108 (even) and 103  
Walesby Crescent – 1-2, 9, 54-55, 57-63 (odd)  
Western Boulevard – 131 and 139

5.2 No comments from local residents have been received in response to the consultation on the reserved matters application. However 12 letters/emails have been received in response to the consultation carried out for the full planning application referred to at 3.6 above and as this proposal is for the same scheme, these representations are summarised as follows:

- Inappropriate scale of dwellings adjacent to site boundaries, particularly where two storey dwellings would be adjacent to bungalows on Revesby Gardens and houses on Prestwood Drive; concern has been raised by several residents of the bungalows on Revesby Gardens about the overlooking and overbearing impact of having a two storey property facing onto the rear of their properties, and the potential impact of a two storey blank gable wall within 3m of the rear gardens of 2 and 3 Revesby Gardens; the original masterplan placed bungalows to the rear of the bungalows on Revesby Gardens, which would have been a better solution. Concern over the impact on the value of their properties is also raised.
- Buildings taller than the existing surrounding properties would block views from the bungalows on Revesby Gardens.
- A resident on Trentham Gardens requests that the road (annotated the 'Lane') is placed to the rear of existing properties on Trentham Drive instead of having the rear gardens of the new properties, to provide more distance between existing and new properties.
- The area of green space should be located nearer to existing properties on Trentham and Chalfont Drive to make it more accessible to existing residents and to provide a better view and outlook for existing properties on Trentham Drive across green space rather than back gardens.
- Concern relating to the disturbance and disruption to existing residents during the construction period. Demolition of the existing buildings has already caused a lot of dust. One resident on Robins Wood Road has stated that they have already suffered a lot of disruption and disturbance due to building works at the Girls High School and Jackaman Centre. Residents are not happy that this is set to continue with the development of the Land Registry site.
- Question what the enclosure to the site boundary, including landscaping, would be. Should be adequate to maintain privacy. One resident on Revesby Gardens has requested the provision of more green screening and tree planting adjoining the rear of their property. Concern that existing residents backing onto the site should not be responsible for the new boundary enclosures.
- Loss of trees and planting would be detrimental to neighbouring residents.
- Concern that development to the rear of existing properties will result in de-valuation of these properties.
- Objection to any type of council housing.



- Congestion is already bad within the locality of the site, particularly during rush hours. The development would exacerbate this situation, with particular concern regarding increased traffic using Redbourne Drive and Trentham Drive, which are not suitable for heavy traffic. Congestion would be particularly bad on Chalfont Drive and its junction with Western Boulevard. Adequate alternative access to the site, other than Chalfont Drive, needs to be provided. It is also suggested that the traffic lights on the junction of Redbourne Drive, Beechdale Road and Radford Bridge Road need to be configured to allow greater volumes of traffic to move forward. A no parking zone on the eastbound carriageway of Beechdale Road from Redbourne Drive during peak hour is required. The installation of signals on the roundabout that forms the junction of Robins Wood Road with Beechdale Road is suggested together with speed humps to be installed on Redbourne Drive and Trentham Drive to dissuade drivers from using these as a short cut.
- The provision of a Travel Plan is seen to be desirable however it is seen as naïve to suggest that residents would use transport modes other than the car.
- Insufficient local amenities to cope with additional residents, including the schools and shops.

**Additional consultation letters sent to:**

**Highways:** No objections. Highways previously offered no objections to the outline application subject to conditions and S106 contributions towards integrated transport measures. The original outline application was supported by a Transport Assessment and Framework Travel Plan, both of which were considered to be acceptable. Highways accept that the development would result in a net reduction in the amount of traffic generated in comparison to the previous office use. As part of ongoing improvements to the Ring Road discussions are presently underway to improve the junction of Chalfont Drive and the Ring Road to make it more pedestrian and cycle friendly.

Alterations to the existing highway are limited to the provision of a new T junction onto Robins Wood Road, whilst the footway will require dropping to facilitate vehicular access to the new homes being built along Robins Wood Road. On Chalfont Drive itself, the redundant bellmouth beside 54 Chalfont Drive will revert to footway to join up with the existing footway already in place along the northern side of Chalfont Drive, and carry forward into the development site together with highway verge.

The proposed layout is well connected and has been designed to maximise off street car parking. The majority of dwellings are being provided with 2 off street parking spaces in the form of driveways and or garages, with every dwelling benefiting from at least one space each.

Conditions relating to a construction management plan, hard surfacing, drainage and the submission of a full residential travel plans are recommended. (*Comment: these conditions have been imposed on the original outline consent.*)

**Tree Officer:** No objections.

**Police Architectural Liaison Officer (PALO):** This is a fairly traditional layout with homes facing the street and the majority having active rooms facing the street. The homes largely have on plot parking and private rear gardens, and it is encouraging to see there are no public footpaths through the development. A small number of properties are proposed with remote parking located away from the dwelling, or in areas with poor natural surveillance. It is recommended that these properties with remote parking be designed out of the scheme.

**Urban Design:** The proposed scheme has been designed around existing natural features with the large area of mature landscaped open space located at the heart of the development, providing an attractive setting and backdrop to the scheme. This will be further reinforced with the swale providing an attractive green link between the open space and the bunker to the south. Revisions to the layout now provide a strong logical hierarchy of street pattern and good variety between the scheme's different character areas, in terms of street design, surfacing and house types used. A large number of additional trees will be planted to develop boulevards and build-outs creating attractive calmed streets. Buildings and windows addressing the street will add to the visual amenity as well as contributing to a safer neighbourhood. Overall the house designs and materials add variety to the scheme, which is fully supported. A variety of strong boundary solutions need to be agreed which together with off street parking will help to produce a high quality, uncluttered street scene.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

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

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

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

ST1 – Sustainable Communities

H2 – Density

R2 – Open Space in New Development

R3 – Access to Open Space

NE5 – Trees

NE10 – Water Quality and Flood Protection

T3 - Car, Cycle and Servicing Parking

## **Aligned Core Strategy (Adopted September 2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel

Policy 16: Green Infrastructure, Parks and Open Space

Policy 17: Biodiversity

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

### **Main Issues**

- (i) Layout and landscaping;
- (ii) Access;
- (iii) Appearance/Housing Design;
- (iv) Impact on Residential Amenity

**(i) Layout, Scale and Landscaping (NPPF Par 17 and 54-56, Aligned Core Strategies (ACS) Policies A, 8, 10, 14, 16 and 17, Local Plan Policies ST1, H2, R2, R3, NE5 and T3)**

### **Layout and Scale**

- 7.1 The principle of residential development has been established with the outline planning permission and this application concerns the details or 'reserved matters' of the scheme. The application proposes a total of 345 dwellings over a net

developable area of 8ha which equates to a density of 39 dwellings per hectare. This is a brownfield site and it is considered that the proposed density strikes the appropriate balance between making good use of land and being respectful of the site's surrounding context and intrinsic landscape features, which accounts for 1 ha of the site. Of the total number 345 of the dwellings proposed, (83%) will be classed as family accommodation (3 bedrooms or above) and of the remaining 56 dwellings (17%), 26 are proposed as two bedroom houses, 18 as two bedroom apartments and 5 as two bed bungalows. It is evident that the scheme will deliver family housing in accordance with ACS Policies A and 8 and Local Plan Policy ST1 and that the density is appropriate for the site, its surroundings and the type of housing that is proposed. The proposal is therefore also in accordance with Local Plan Policy H2. The layout also demonstrates that the proposed development will provide a range of house types in compliance with ACS Policy 8.

- 7.2 The principles of the masterplan approved at the outline stage have evolved to create a detailed layout that will create character and interest. The layout is structured around a street hierarchy that informs the character of the place, with a clear rationale behind the formation of the streets and its 6 character areas. The road layout takes its reference from the surrounding road network and maximises connectivity with Robins Wood Road. The layout also has a strong landscape theme, involving the retention of the most significant trees and incorporating these within the open space, landscaped areas and private gardens.
- 7.3 A central 'Boulevard' runs between the existing vehicular access point on Chalfont Drive and the new access point on Robins Wood Road. This is the main vehicular route through the site but is designed so that it is not direct, but with bends and minimum widths to ensure a reduction in vehicular speed and a highway that is not visually dominant. The lower Boulevard section towards the south of the site in particular incorporates tight bends with changes in surfacing, ensuring that character is not compromised by necessary highway infrastructure, whilst also being designed to reduce its attractiveness to through traffic.
- 7.4 The proposed houses are sited to address key roads both externally and internally to the development, to create active frontages and well surveyed streets. There is a strong building frontage to Robins Wood Road and Chalfont Drive as it extends into the site, with some properties set back, in small cul-de-sac, at an appropriate distance along Robins Wood Road to retain sections of the existing mature hedge and mature trees of high amenity value. Properties would front onto these small pockets of green space to ensure that the houses, set within a mature landscape setting, make a positive and active contribution towards the streetscene along Robins Wood Road.
- 7.5 Internally the layout is designed with a series of blocks that vary in form and shape but also provide legible connections and good permeability. The housing addresses all streets with good building coverage throughout and changes in density enhance character. In terms of scale, it is predominantly a 2 storey development to reflect the character of the surrounding area but with increased height of 2.5 and 3 storeys for buildings surrounding the central 'Green', to help strengthen its visual enclosure. A row of 5 bungalows have been sited in the north east corner of the site to provide a better relationship with neighbouring bungalows on Revesby Gardens.
- 7.6 The eastern and northern peripheries of the proposed layout seek to create a more informal, lower density edge to the layout, with the creation of shared surface 'Lanes' fronted by larger 3 and 4 bedroom houses. The 'Lanes' have been

designed with a varied road width and the incorporation of build outs to create a naturally traffic calmed street.

- 7.7 Higher density development, with a tighter urban grain, is concentrated in central parts of the layout. This is particularly evident in the street layout surrounding the 'Green', where a strong and more formal layout of taller 2.5 storey semi-detached houses are proposed, positioned close to the street edge to provide enclosure and to maximise surveillance. The 'Swale' area maintains this close relationship of houses to the street, but is defined by its linear green corridor, created by the swale channel which runs down its centre and links the 'Green' with the bunker to the south. Single width roads loop the swale to create a 'one way' system around it, with shared pedestrian and vehicle points across the swale being positioned at the entrances to the 'Mews' areas. The position of the 2 x three storey apartment buildings to the southern edge of the 'Green' further accentuate views from the Green down this linear green route.
- 7.8 The highest density of all the character areas is seen within the small 'Mews' courts, where a tighter urban grain of terraced houses frame hard landscaped, shared parking courts.
- 7.9 A challenge with a housing development of this size, even at a comparatively modest density, is to provide and successfully integrate sufficient parking into the layout. With the exception of properties on the 'Mews' style streets which provide parking equivalent to a minimum of 1.5 spaces per dwelling, all other dwellings provide a minimum of two spaces per dwelling (including garages), with the larger houses generally accommodating in excess of this. The parking is predominately provided on plot with some frontage parking in the higher density areas. On some dwellings there are examples of long driveways, the appearance of which is proposed to be mitigated by entrance gates which will reduce the extent of visible hard-standing. With the parking located either on plot or to the front of the dwellings as part of the street layout, future residents should be able to park appropriately and conveniently, reducing the prospect of streets cluttered with vehicles.

## **Landscaping**

- 7.10 The integration of open space and an extensive number of street trees into the layout is a significant element of the design. The main open space within the development takes the form of the 'Green', a large green space (0.8 ha in size) located at the heart of the development. A copse of retained mature trees located in the western area of the 'Green' will give the setting of the open space instant maturity, with informal pathways meandering through the trees to link surrounding residential areas with the open space. A new drainage attenuation pond, sympathetically designed with decorative stone outfalls and native planting will further enhance the ecological and wildlife value of the 'Green'. A natural play area is proposed in the north east corner of the 'Green' which is highly accessible and has good natural surveillance in accordance with Local Plan Policy R3.
- 7.11 The landscape objectives for the 'Swale' are to create an attractive landscape feature whilst respecting its requirement to perform as an important sustainable drainage feature. Decorative stone outfalls and walls at crossing points together with the use of pebbles and gravel to the base of the drainage channel will be incorporated amidst wildflower meadow grassland, proposed to enhance the wildlife potential of the corridor, and tree planting informally grouped along its length to soften the appearance of the street scene.

- 7.12 Street trees are prevalent throughout the scheme with main routes such as the 'Boulevard' incorporating trees into grass verges adjoining the pavement. Other narrower roads provide build outs to accommodate the trees. This philosophy builds on the retention of existing mature trees of intrinsic amenity value throughout the site, incorporating these within the open space, landscaped areas and private gardens. A total of 155 largely ornamental trees are proposed to be removed to facilitate development, however landscape proposals include over 354 new trees to replace them which is above the usually prescribed 2:1 ratio for replacements. The strong presence of open space and landscaping is both welcome and appropriate and will be vitally important in establishing the character and sense of place of the site.
- 7.13 A key feature of the proposed layout is the inclusion of front boundary treatment which is proposed throughout. The front boundary proposals include a mix of treatments comprising railings, walls, hedges or combinations of these. The proposed boundary treatments are thoughtfully grouped together and provide variety, together with a strong sense of enclosure helping define public and private defensible space.

#### **(ii) Access (Aligned Core Strategy Policy 14 and Local Plan Policy T3)**

- 7.14 The objections raised from residents in relation to traffic reflect those received in response to the submission of the outline planning application. The outline application was accompanied by a detailed Transport Assessment (TA) where it was recognised that this site was already a high traffic generator. The site previously accommodated approximately 700 employees and at full capacity held approximately 1,200 employees. The key change is to the direction of flow with the previous use of the site generating a peak inward flow in the morning and peak outward flow in the evening. The proposal would reverse this situation but also reduce the extent of the peaks, with some journeys dispersed throughout the day. On this basis both Highways and Transport Strategy were satisfied with the content of the TA and concluded that the proposed development would not adversely impact upon the wider highway network. This reserve matters application in terms of highways matters relates to the proposed access to the development and new highway layout proposed.
- 7.15 The outline consent, by condition and through the S106 Agreement, provided for a package of integrated transport measures aimed at reducing car usage and improving the site's pedestrian, cycle and public transport accessibility.
- 7.16 In line with the outline consent and its accompanying masterplan, the development utilises the existing access points from Chalfont Drive and Robins Wood Road. One additional vehicular access point is proposed further to the north along Robins Wood Road, which is proposed to link through to Chalfont Drive to provide the main vehicular access route through the site, along the 'Boulevard'. To address residents concerns about rat running, the 'Boulevard' has been designed to provide an indirect route through the development which also incorporates traffic calming measures to make it less attractive to vehicles travelling on the wider highway network. The existing access from Robins Wood Road provides a secondary access into the development but does not allow a through route to Chalfont Drive. Highways are satisfied with this element of the proposal.

- 7.17 From a highways perspective the layout is seen to be logical permeable and generally easy to navigate. Robins Wood Road presents the only meaningful opportunity to maximise permeability with the surrounding area and in addition to two roads entering the site from this western side of the site, there are four further pedestrian and cycle access points proposed which would provide direct access to the Green and new residential areas.
- 7.18 All other issues raised by Highways have been addressed by the proposed layout, with the inclusion of additional traffic calming measures in the design of streets, throughout the layout, being particularly welcomed.

### **(iii) Appearance/Housing Design (Aligned Core Strategy Policy 10)**

- 7.19 A range of house types is proposed which vary in both size and scale. The design approach to the architecture is largely traditional but with a spectrum of design details which will ensure both quality and variety. These include steep roof pitches, dormer windows, classic style windows, eaves detailing, strong gable projections, different porch designs, and the use of different bricks and roof tiles, dependent upon the house type and character area. The differing combination of these details, coupled with the characteristics of individual streets and the extensive range of boundary treatment, will ensure interesting and varied properties within the development.
- 7.20 The different house types are considered acceptable in isolation but there is also a design logic in how they have been fitted together within the scheme. The character areas which have been informed by the street hierarchy, also have regard for the architectural styles and density of housing.
- 7.21 The 2x three storey apartment buildings have been located to provide book ends at each corner of the 'Swale' with the 'Boulevard' (overlooking the 'Green'). As with the proposed houses, their architecture is broadly traditional but with a slightly more contemporary edge. The use of forward gable projections and large full height windows with Juliette balconies provide interest to the facades, which overlook the 'Swale' and 'Green'.

### **(iv) Impact on Residential Amenity (ACS Policy 10)**

- 7.22 The relationship between proposed dwellings and existing properties on Trentham Drive, Prestwood Drive, Revesby Gardens, and Trentham Drive has been carefully considered in formulating the layout. Where principal elevations of the proposed dwellings face directly towards the rear elevations of existing dwellings, an average garden length of 12m is proposed to ensure a minimum back to back distance of 25m is achieved. In a lot of instances this distance would be closer to 30m. Two storey blank side elevations of the proposed dwellings have been set back by 5m from the rear boundaries of existing dwellings to ensure a minimum side to back distance of 15m is achieved.
- 7.23 In response to concerns raised by residents of Revesby Gardens whose bungalows back onto the site, the layout has been designed to position 5 bungalows adjacent to these properties. A road is also proposed to run along the southern rear boundary of other adjacent bungalows on Revesby Gardens, to provide a minimum front to back separation distance of 22m. Additional tree planting is proposed along the boundary to further screen views of the development from the rear of these properties. The residents of 2 and 3 Revesby Gardens have expressed concern

regarding the close proximity of the two storey blank side elevation of plot 301 to the rear boundary of their properties. This side gable has been set back by 5m from the boundary to ensure an adequate separation distance is provided.

- 7.24 Within the development a minimum back to back distance of 20m is proposed. The minimum garden length of 10m is considered appropriate and the proposal will provide housing that affords an appropriate level of amenity for its future occupants.
- 7.25 Concern about the treatment of the existing site boundaries was a particular concern of neighbouring residents through the consultation process. This is understandable with many neighbours backing onto the site. The submission of the full details of boundary enclosures is covered by a condition on the outline consent. The applicant has indicated that it is proposed to construct a 1.8m (minimum height) boundary wooden fence within the edge of the site boundaries which would leave the existing rear boundary enclosures of properties backing onto the site untouched. Maintenance of new boundary fences would be the responsibility of each respective property.
- 7.26 Some disruption and disturbance during the construction period is inevitable but will in part be mitigated by condition 15 of the outline consent which requires a construction management plan to be agreed.
- 7.27 It is considered that the proposed development has been designed to ensure that there would be no adverse impact upon the amenities of existing residents or future occupants of the new development in terms of light, outlook and privacy and that the development would therefore comply with ACS policy 10.

### **Other Issues**

- 7.28 As this is a reserved matters application, the number of conditions on the draft decision notice are limited, as the vast majority of issues are covered by the conditions imposed on the outline planning permission, which were extensive in breadth and detail.
- 8. SUSTAINABILITY / BIODIVERSITY** (b Aligned Core Strategies Policies 1, 10 and 17 and Local Plan policies NE5)
- 8.1 Surface water drainage proposals incorporate the use of sustainable urban drainage measures in the form of the attenuation pond in the 'Green', the swale and the use of permeable paving. Condition 11 of the outline consent requires further details of the surface water drainage scheme to be agreed.
- 8.2 The development proposes the retention of the trees of high amenity value and the planting of further trees which will be predominantly native species. Furthermore, the landscaping scheme proposes the creation of extensive green space and corridors throughout the development, with native planting to further enhance the wildlife and ecological value of the site.

### **9 FINANCIAL IMPLICATIONS**

None.



## **10 LEGAL IMPLICATIONS**

Where the development involves changes to highway and rights of way status, a separate legal process is necessary. Highway rights may only be extinguished where legal criteria are met and any stopping up order is subject to an objection period. If objections are received and not withdrawn, the matter will be determined by the Planning Inspectorate.

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

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

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

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

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

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: 14/02823/PRES4 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NFJQZ1LYCB000>

2. Letter from resident of 515A Beechdale Road received 26.10.14.

3. Letter from resident of 2 Revesby Gardens received 13.11.14.

4. Letter from resident of 3 Revesby Gardens received 13.11.14.

5. Letter from resident of 9 Trentham Drive received 17.11.14.

6. Letter from resident of 11 Revesby Gardens received 17.11.14.

7. Letter from resident of 14 Revesby Gardens received 05.11.14.

8. Letter from resident of 17 Chalfont Drive received 22.12.14.

9. Letter from resident of 35 Chalfont Drive received 13.12.14.

10. Letter from resident of 37 Trentham Drive received 17.12.14.

11. Letter from resident of 43 Prestwood Drive received 21.12.14.

12. Letter from resident of 63 Robins Wood Road received 04.12.14.

13. Letter from resident of 100 Trentham Drive received 10.11.14.

14. Tree Officer comments 06.01.15.

15. Urban design comments 27.03.15.

16. Police comments dated 09.12.14.

17. Highways comments 01.04.15

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

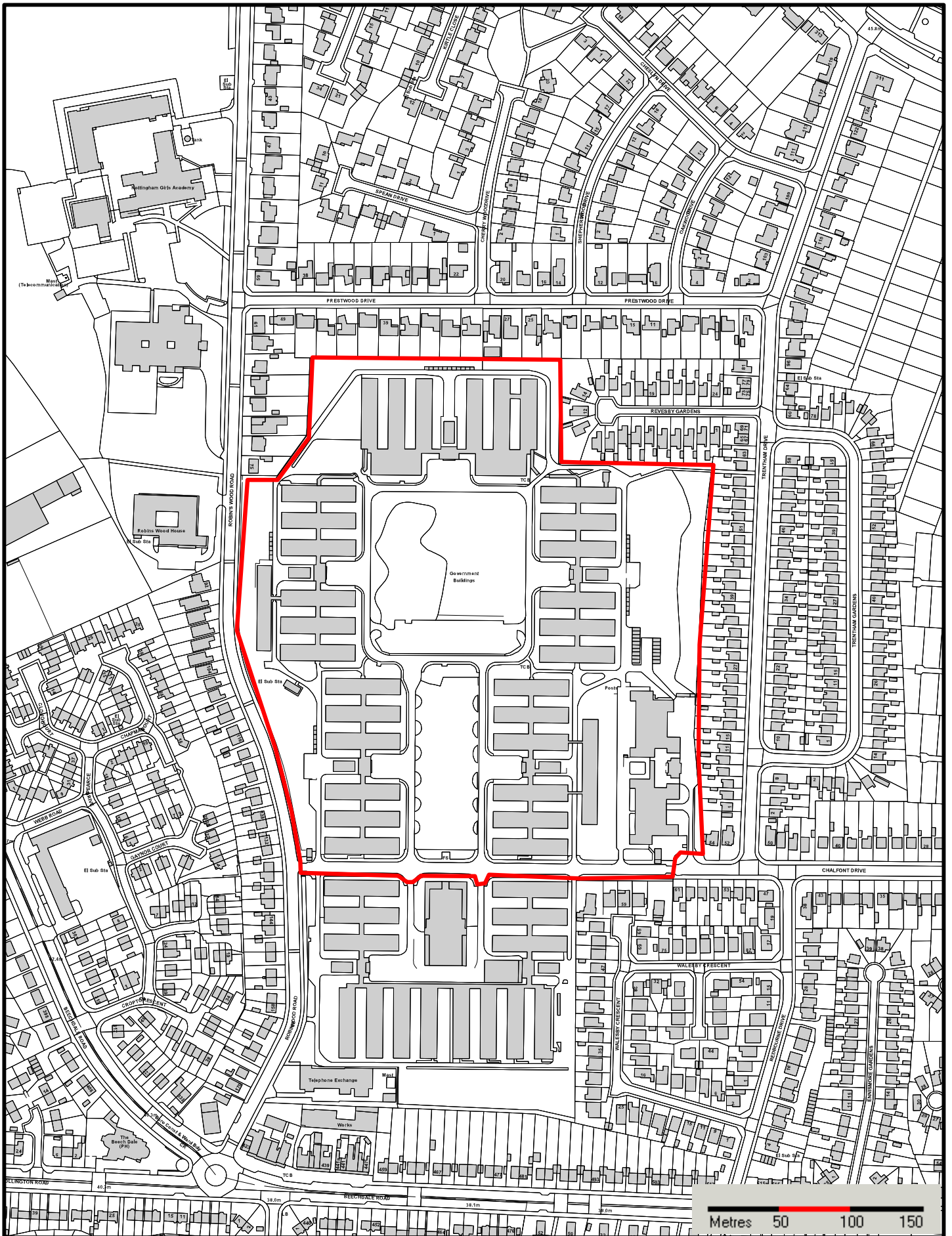
Nottingham Local Plan (November 2005)

Nottingham Aligned Core Strategies (Sept 2014)

**Contact Officer:**

Mrs Jo Briggs, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041



© Crown Copyright and database right 2014. Ordnance Survey License number 100019317



**My Ref:** 14/02823/PRES4 (PP-03809705)  
**Your Ref:**  
**Contact:** Mrs Jo Briggs  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

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

Urbanissta Development Planning  
FAO: Miss Jo Hanslip  
31-35 Kirby Street  
London  
EC1N 8TE

Date of decision:

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

Application No: 14/02823/PRES4 (PP-03809705)  
Application by: Bellway Homes East Midlands  
Location: Government Buildings, Chalfont Drive, Nottingham  
Proposal: Reserved matters for 345 dwellings (phase 1) of outline planning consent reference 09/02049/POUT (details of layout, access, scale, appearance and landscaping).

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

**Pre-commencement conditions**

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

There are no conditions in this section.

**Pre-occupation conditions**

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

There are no conditions in this section.

**Regulatory/ongoing conditions**

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

2. All windows shall be recessed by a minimum of 60mm, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Adopted Core Strategy 2014.*

3. All first floor side elevation windows, together with the first floor window in the rear elevation of the Lichfield house type shall be obscurely glazed, unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance*



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

**DRAFT ONLY**

Not for issue

Page 52

- 1 -

Continued...

*with ACS Policy 10.*

**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 24 November 2014.

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

**Informatives**

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

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

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: 14/02823/PRES4 (PP-03809705)

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

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

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

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

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

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

## PURCHASE NOTICES

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

## COMPENSATION

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