



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 17 August 2016

Time: 2.30 pm

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

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

Corporate Director for Resilience

Governance Officer: Catherine Ziane-Pryor **Direct Dial:** 0115 8764298

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|----------|---|----------------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTERESTS | |
| 3 | MINUTES | 3 - 10 |
| | Of the meeting held on 20 July 2016 (for confirmation). | |
| 4 | PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER | |
| a | 1 BROOK STREET, NOTTINGHAM | 11 - 30 |
| b | 14 VICTORIA CRESCENT, NOTTINGHAM | 31 - 50 |
| 5 | BULWELL CONSERVATION AREA - PROPOSED CONSERVATION
AREA DESIGNATION | 51 - 60 |

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. 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 Ground Floor Committee Room - Loxley House,
Station Street, Nottingham, NG2 3NG on 20 July 2016 from 14.30 - 16.10**

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair)
(for minutes 13 until part way through minute 20)
Councillor Graham Chapman
Councillor Azad Choudhry
(from part way through minute 16 to minute 21)
Councillor Alan Clark
Councillor Michael Edwards
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Linda Woodings
Councillor Steve Young
Councillor Andrew Rule

Absent

Councillor Brian Parbutt
Councillor Josh Cook

Colleagues, partners and others in attendance:

Paul Seddon	- Chief Planner
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Tamazin Wilson	- Legal Advisor
Catherine Ziane-Pryor	- Governance Officer

13 APOLOGIES FOR ABSENCE

Councillor Josh Cook (leave)
Councillor Brian Parbutt (health)

13 APOLOGIES FOR ABSENCE

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14 DECLARATIONS OF INTERESTS

Although not required to do so, Councillor Wendy Smith informed the Committee that she had previously organised a petition for an Aldi store to be sited in the Bilborough area. Although the application detailed in minute 16 was not on the preferred site, she did not feel that this would prejudice in any way her consideration of the application.

15 MINUTES

Subject to Councillor Wendy Smith being listed as in attendance, the minutes of the meeting held on 15 June 2016 were confirmed as a true record and signed by the Chair.

16 LAND SOUTH OF 1 HORIZON PLACE, MELLORS WAY

Rob Percival, Area Planning Manager, introduced the report and application number 16/01020/PFUL3 by Aspbury Planning Ltd on behalf of WBD, Aldi & Greene King for a convenience store (class A1) and pub/restaurant (class A3/A4) with associated access, parking, pedestrian and cycle routes and other related works.

The application is brought to Committee because officers are recommending that the application be granted, which represents a departure from the Development Plan which identifies the land for employment development.

Since the initial classification of the land, nearly 20,000 m² of office space has been built. However, there has been a trend for business' requiring office space to prefer sites nearer to the City Centre. Although the site is located within Nottingham Business Park, an adjoining residential development of approximately 290 properties is under way.

It is predicted that if this application is successful, it will provide approximately 205 job opportunities during construction and approximately 110 job opportunities once the site is in operation.

A retail assessment has been undertaken and concluded that this proposal is acceptable in this area of the City.

Rob Percival delivered a brief presentation which included an aerial view of the site and CGI elevations and street views of the proposed development.

Members of the Committee commented as follows:

- (a) although initially uncomfortable with the nearby residential development and the proposal to change use of land allocated for a sophisticated business park, the village type appearance of the application and residential development is very much welcomed, particularly this application as there is an obvious lack of amenities for the residents of the new development;
- (b) public transport links must be provided for the residential development and application site to ensure citizens from neighbouring areas can access amenities;
- (c) further consideration to camouflaging the car parks with sensitive soft landscaping is required.

It is noted that although public transport to the Business Park is acknowledged as poor, within the Section 106 conditions for the residential development, a condition for public transport provision was included so once the development is complete, access from neighbouring areas will be much improved.

RESOLVED

- (1) to grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice;**
- (2) for power to determine the final details of the conditions to be delegated to the Chief Planner.**

17 FORMER BLENHEIM ALLOTMENTS, BULWELL

Martin Poole, Area Planning Manager, introduced application number 16/01055/PVAR3 by Chinook Sciences Ltd for an Energy from waste facility (160,000 tonnes of waste per annum capacity), manufacturing, research and development facility and associated offices'. Variation of condition S1 (plans) of planning permission reference 13/03051/PMFUL3.

The application is brought to Committee because it involves revisions to a major development of strategic importance and local interest.

Martin Poole delivered a brief presentation which included a comparison of the application plan submitted with 13/03051/PMFUL3 which was granted in July 2014 (June 2014 approved scheme) and the proposed amended application plan on the current variation application, along with site CGI aerial and street level images of the previously approved and current proposals, including a predicted '10 years' time' CGI image of how revised landscaping will soften the view of the scheme.

Amendments to the June 2014 approved scheme are required to enable the facility to achieve an R1 Status from the Environment Agency.

It is noted that objections are summarised within the report and also the update sheet which responds to some of the issues raised.

Members' questions were responded to as follows:

- (a) the initial application was for a gasification plant to extract gas from waste. The underlying process for this application is the same but gas is used in a different way and there are no plans to store gas on the site;
- (b) the increased height of the chimney is required to meet the conditions of the Environment Agency.

Members of the Committee commented that the revised design is bulkier and even less attractive than the June 2014 approved scheme, but that it is acceptable Members commented that, looking at the predicted '10 years' time' CGI even in 10 years' time, the proposed landscaping will not screen the building.

RESOLVED

- (1) that the requirements of Part 2 of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are satisfied by reason of the Environmental Statement submitted in support of the application including at least the following information:**

- (a) a description of the development comprising information on the site, design and size of the development;**

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

18 VISION EXPRESS, ABBEYFIELD ROAD

Rob Percival, Area Planning Manager, introduced application 16/00852/PFUL3 by CBW Design Ltd on behalf of Sandicliffe for a redevelopment to provide car dealership with showroom, workshop, used car showroom/office, ancillary parking and associated works.

The application is brought to Planning Committee as officers are recommending that the application be granted, which represents a departure from the Development Plan.

It is noted that Nissan and Audi car dealerships are already located in the area.

Rob Percival delivered a brief presentation which included artist's impressions of the proposed site, including street views.

Committee Members comments included:

- (a) it is vital that transporters have adequate access to the site to prevent them blocking the road during deliveries;
- (b) the artist's impressions do not accurately reflect the space, showing it to be larger than it actually is;
- (c) the display and sales area may only be considered small if the cars on display in the car park are considered to be 'stored';
- (d) although there is relatively little soft landscaping within the application design, from the main road the site is barely visible through the greenery of the roadside hedge;
- (e) this is a good use of the land and easily accessed.

RESOLVED

- (1) to grant planning permission subject to the conditions listed in the draft decision notice at the end of the report;**
- (2) for an additional condition to be added that transporters shall only load/unload within the site;**
- (3) for power to determine the final details of the conditions to be delegated to the Chief Planner.**

19 SITE CORNER OF BULL CLOSE ROAD AND THANE ROAD

Rob Percival, Area Planning Manager, introduced application 16/00887/PFUL3 by Blackstaff Architects on behalf of Sytner Group LTD for a two storey car showroom and associated works.

The application is brought to Committee because officers are recommending that the application is granted, which represents a departure from the Development Plan.

Rob Percival delivered a brief presentation which included a map of the site, aerial view and road side images of the site in its current state and CGI images of the completed application.

The update sheet confirmed that a Sequential Test demonstrating that there are no available and suitable sites in areas of lower flood risk has now been submitted and is considered satisfactory.

Members of the Committee commented as follows:

- (a) the application is welcomed but the graphics provided are disappointing and any future graphics need to be of a far better quality;

- (b) this application is for a similar building in a similar location as previous applications for the same use and so is welcomed.

RESOLVED

- (1) to grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision;**
- (2) for an additional condition to be added that transporters shall only load/unload within the site;**
- (3) for power to determine the final details of the conditions to be delegated to the Chief Planner.**

20 14 VICTORIA CRESCENT, NOTTINGHAM

Martin Poole, Area Planning Manager, introduced application 16/00607/PFUL3 by Haven Architecture Ltd on behalf of Ms E Hipkiss and Mr L Phillips for new first floor and two storey side extensions to create a two storey dwelling and for new boundary walls and gates.

The application is brought to Committee at the request of a Local Ward Councillor due to the level of concern raised by neighbouring residents, the details of which are summarised within the report.

Further representations have been received, the main points of which are summarised and addressed within the update sheet.

Martin Poole delivered a brief presentation which included street views of the existing property and its context with neighbouring properties, floor plans and elevations of the existing property with those of the proposed property overlaid, and photographs of the view from a neighbouring property which overlooks the site, overlaid with the impact of the proposed property.

It was emphasised that the application is in essence for extensions to, and remodelling of, an existing building and not a new build application and whilst the extensions will be visible to the neighbouring property, Planners considered this to be an acceptable impact.

It is noted that the application site is located within a conservation area and Planners considered that while the proposed alterations would be more prominent than the existing building at 14 Victoria Crescent and there would therefore be an impact on the conservation area, the building would not be intrusive would not fundamentally change the overall balance between buildings and landscaped gardens. It would preserve the overall character of the area. Details of the final finish have not yet been agreed.

Committee Members commented as follows:

- (a) in addition to the formal route, residents of the neighbouring properties had contacted Committee Members with their concerns and objections but it is more appropriate for the issues to be considered by the Committee;
- (b) although the elevation views are clear, it's very difficult to visualise how the extended property will sit within its surroundings;

- (c) it is not a concern that that the design is not in the vernacular of Mapperley Park as other contemporary designed homes are within the Mapperley Park Conservation Area and add to the history of the area;
- (d) the design is too radically different to the design of the surrounding houses;
- (e) the retaining wall of the neighbouring property appears to be at a reasonable distance from the proposed application and does not to have too much of an impact other than partially restricting some views;
- (f) one of the diagrams does not appear to match the street view photograph, this puts the other diagrams into question;
- (g) from the photographs from inside the neighbouring property looking out, which show where the extension will appear in their line of sight, the application only appears to have a significant impact on a side window and not the views from the main sitting room bay window;
- (h) it is not reasonable within Planning restrictions to determine that the application is unacceptable;
- (i) this proposal does have potential to add value to the appearance of the estate;
- (j) Committee Members need to consider the impact of the application on the people living around any proposed application;
- (k) from the plans and views provided it was difficult to determine the impact on the neighbouring property so a deferral of the item to enable a site visit to take place would be welcomed to enable Councillors to make an informed decision.

In response to Committee Member's comments, Paul Seddon, Chief Planner, informed the Committee that as the application was essentially an extension, Planning Colleagues would not expect the same quantity, quality and format of graphics to be presented to Committee as some of the larger and new build applications and that the information provided had exceeded what would usually be expected for an application of this type.

RESOLVED to defer a decision on the application pending a site visit to enable Committee Members to better understand the potential impact on neighbouring properties and how the building will sit within its surroundings.

21 79 HOLGATE ROAD, NOTTINGHAM

This application has now been withdrawn at the request of the agent.

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WARDS AFFECTED: St Anns

Item No:

**PLANNING COMMITTEE
17th August 2016**

REPORT OF CHIEF PLANNER

1 Brook Street, Nottingham

1 SUMMARY

Application No: 16/00429/PFUL3 for planning permission

Application by: Franklin Ellis Architects on behalf of Emma Property Management

Proposal: Change of use of existing building from office to residential, providing 101 apartments and including new cafe and crèche use. Extension to the second, third and fourth storeys within existing building footprint. Re-cladding of exterior facade and creation of internal courtyard.

The application is brought to Committee because it gives rise to complex or sensitive issues, being a major application on a prominent site where there are important land-use, design and heritage considerations and also as it is recommended for approval, but where planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should have been determined by 31 July 2016.

2 RECOMMENDATIONS

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

Power to determine the final details of the conditions to be delegated to the Chief Planner.

3 BACKGROUND

3.1 The application site is located at the east end of Bath Street, close to its junction with St. Ann's Well Road. The site is occupied by a deep floor plan building that occupies the entire site and ranges between four and seven storeys in height. It is faced in roughcast concrete cladding, ribbon glazing, and has a flat roof. The tall Bowman Telephone Exchange building is adjacent to the east on Bath Street. St. Mary's Rest Garden and Victoria Hall student accommodation is across Bath Street to the north. The tall Marco Island flats development is to the south across Brook Street. To the west across Cowan Street is a cleared site and vacant single storey building, 1A Brook Street.

3.2 The application building is substantially vacant with only part of the ground and lower ground floors being used by a car rental company (Hertz). The building has previously been used for a range of office and storage uses, including a link with Marco Island when this building was in use as a postal sorting office. Pedestrian

and vehicle access to the building is currently available from Bath Street and Brook Street.

- 3.3 The application site is adjacent to the boundary of the Sneinton Market Conservation Area, which runs along the opposite side of Bath Street and includes St Mary's Rest Garden and Victoria Park. The site falls within the Eastside Regeneration Zone.
- 3.4 The planning history of the site includes its proposed redevelopment with a 9-14 storey mixed use building comprising 244 apartments, with ground/first floor commercial and leisure uses (07/00019/PFUL3). A planning appeal against the non-determination of this application was allowed on 14 October 2008 upon the appellant's completion of a revised Section 106 unilateral undertaking submitted subsequent to the public inquiry held in February 2008. This permission has now expired.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the conversion, extension, and significant alteration of the building for use as 101 apartments, including cafe and crèche uses to the ground floor off Bath Street. The existing façade of the building is to be removed back to the structure, which is then to be re-clad in a bronze/buff metal cladding and a white metal cladding/white render systems in varying patterns on each elevation. Extension elements are added to the upper sections of the building, with a taller accent corner to Brook Street/Cowan Street. Recessed balconies are also to be formed within the elevations. The central section of the building is to be removed to allow sunlight and daylight to penetrate into the plan of the building as well as creating an open courtyard and communal space for residents. Deck walkways are formed around the edges of the courtyard atrium for resident circulation and access to apartments. Car parking for the building is to be retained at its existing level of 112 spaces. 20 spaces are to have a plug-in recharge facility for electric vehicles. 52 secure cycle lockers are also to be provided. Bin storage areas are divided into two locations in each corner of the building. The application states that the proposed development will have ten employees, and the applicant has offered to make provision for local employment and training opportunities during the construction and operation of the development, to be secured by a unilateral undertaking.

- 4.2 The proposed mix of apartments to be created is:

1-bed duplex:	2
2-bed duplex:	52
3-bed duplex:	17
4-bed duplex:	3
1-bed flat:	13
2-bed flat:	12
3-bed flat:	2
Total:	101

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Marco Island, Huntingdon Street – all apartments
Bowman Telephone Exchange Bath Street
Bath Place, Bath Street
1A Brook Street Nottingham
35, 37 Brook Street
Gala Club, St. Anns Well Road
Victoria Hall Two, St. Anns Well Road
201, 203 Huntingdon Street
William Booth Memorial Hall, King Edward Street
Flats 1-20 Bloomsbury Court, Beck Street

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

No neighbour responses have been received.

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions relating to noise assessment and sound insulation; air quality assessment; and ventilation and fume extraction details for any café/restaurant use.

Highways: No objection subject to conditions relating to construction method statement; implementation of off-street car parking spaces; and kerb re-instatement to existing vehicular accesses where these are made redundant.

Biodiversity Officer: No objection. Satisfied with the ecology report which hasn't found any evidence of bats. The inclusion of a green roof/ garden area within the new scope of the building is very positive. This will provide a valuable area for birds and invertebrates, as well as a space for new residents to enjoy. Given the proximity to Victoria Park, a green roof will add to the ecological networks within the City. Recommend a condition to secure the implementation of these features.

Drainage Team: No objection. Reference to rainwater harvesting and a green roof are welcomed. Advise that there is a high risk from surface water flooding that could impact upon lower ground and basement floors. Recommend conditions in relation to site drainage and details on how instances of surface water flooding will be managed without impact upon future residents of the development.

Nottingham Civic Society: Support. No objection to the ingenious re-modelling of the former commercial building to create apartments, or to the increase in the building's height, which should not impact upon the amenity of the neighbouring Rest Garden within the Sneinton Market Conservation Area, or impinge upon long views of the city centre identified in the City Centre Urban Design Guide from Bellevue Reservoir in the north towards the Council House Dome and cutting across this site. However, many of the apartments may suffer from poor levels of daylight and sunlight because of the proximity of large buildings nearby. Those on the north elevation however will benefit from views over the Rest Garden which will enhance community safety generally.

The idea of ground floor commercial uses benefiting from the courtyard garden is attractive, although careful management of privacy for ground level apartments would be necessary. The levels of noise in the internal courtyard - particularly from the spill-out from the crèche, might also represent an unwelcome consequence in the enclosed setting with noise-reflective surfaces all around. However, the scheme represents an interesting mixed use development which has the potential to improve the appearance of a large derelict building and provide footfall and casual surveillance for the Conservation 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 the development plan unless material planning considerations indicate otherwise, 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. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

BE12 - Development in Conservation Areas

H2 - Density.

H5 - Affordable Housing.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategies (September 2014)

Policy 1 - Climate Change

Policy 7 - Regeneration

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

Other Planning Guidance

Nottingham City Centre Urban Design Guide

Eastside Regeneration Area Interim Planning Guidance (June 2004)

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance

Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

- (i) The development will provide for the appropriate regeneration of the area.
- (ii) The overall density and layout of development is appropriate to its location and provides a satisfactory living environment for future occupants.
- (iii) The scale and design of the building is appropriate to the area, including the adjacent Sneinton Market Conservation Area.

- (iv) The S106 planning obligations which would normally be required should be waived or reduced

Issue (i) Regeneration (Policy ST1 and Policy 7)

- 7.1 The application site falls within the Eastside Regeneration Zone and, whilst not being an allocated site for redevelopment, has been the subject of redevelopment proposals in the recent past (07/00019/PFUL3). It has also long been viewed as building that is in need of transformation.
- 7.2 Policy 7 of the Aligned Core Strategy states that the Eastside Regeneration Zone will be a focus for major residential and employment led mixed use regeneration and redevelopment across a number of key sites.
- 7.3 The Nottingham City Centre Urban Design Guide considers the site to form part of the 'Zone of Reinvention' where a new urban form is to be encouraged.
- 7.4 The Eastside Regeneration Area Interim Planning Guidance seeks to establish a high quality, urban environment that is safe for all by promoting mixed use and good, sustainable architecture complemented by well-designed and appropriately managed open spaces.
- 7.5 It is considered that the proposed development is consistent with the objectives of the regeneration policies and provides the opportunity for a much needed stimulus and significant improvement of this prominent site. The principle of an apartments based redevelopment of the site has been previously agreed and it is considered that the format of the proposed development, which includes a mix of substantially duplex apartment units in a range of sizes, would be appropriate to the area. It is therefore considered that the proposed development accords with Policies ST1 and Policy 7.

Issue (ii) Density and Layout (Policies H2, T3 and Policy 8)

- 7.6 The proposed overall density of the development would be 324 dwellings per hectare. Policy H2 notes that the focus for development at higher densities will be in and around the city centre, and the Eastside Regeneration Zone is also recognised in the Nottingham City Centre Urban Design Guide as an area of the city where higher density and taller buildings are likely to be successfully located. Where such higher densities are proposed there is a requirement for particularly high standards of design and layouts that are to be attractive to occupiers. It is considered that the proposed development will meet these high standards, albeit within the constraints of the relationship of the building to its taller neighbouring buildings at Marco Island and the Bowman Telephone Exchange. Highways are satisfied with the access and level of car parking provision that is being retained within the building. It is, therefore, considered that the proposed development accords with Policies H2, T3 and Policy 8.

Issue (iii) Scale and Appearance (Policy BE12 and Policy 10)

- 7.7 The scale of the building is substantially unchanged as a result of the proposed development. Whilst sections of it are to be removed to allow sunlight and daylight penetration into the plan of the building and to improve the relationship between some apartments and the Bowman Telephone Exchange, other sections are to be added to the Cowan Street elevation and a set-back top storey, which will develop

the building to a consistent height and will help to unify its form. It is, therefore, considered that the proposed scale is appropriate to the area.

- 7.8 The appearance of the building would be completely transformed. In addition to the comprehensive recladding and fenestration of the elevations, depth, interest and texture is provided through the introduction of recessed balcony openings and louvered screens. This is the case on all elevations, with each being individually designed but being controlled under a common architectural style. The three street elevations to Bath Street, Cowan Street, and Brook Street are each given imaginative treatments, with the primary Bath Street elevation onto St. Mary's Rest Garden having a more ordered and refined appearance in bronze/buff cladding that is appropriate to this setting and to the Sneinton Market Conservation Area.
- 7.9 There is particular emphasis on the use of large expanses of glazing, which will allow as much sunlight and daylight as possible to penetrate into the deep plan of the building, being one of the most significant challenges in converting this building to residential use. This challenge is partly addressed through the removal of the central section of the building to create a central open courtyard a communal space for residents. The concept for this courtyard is envisaged as a "lush green space" with the use of ground and climbing plants to create a "hidden landscape" for residents to enjoy. The detailed design of this space will be particularly important and will require a skilled landscape designer to achieve the desired result.
- 7.10 The support of Nottingham Civic Society is noted and welcomed. It is, therefore, considered that the scale and appearance of the proposed development is appropriate to the area and, subject to conditions relating to design details and materials, accords with Policies BE12 and 10.

Issue (iv) S106 Planning Obligations: (Policies ST1, H5, R2 and Policy 8)

- 7.11 The applicant has submitted a viability appraisal in support of their assertion that the proposed development would not be viable based upon the provision of the full range of planning obligations that the scheme would otherwise require. The planning obligations in the form of commuted sum payments have been calculated as (i) Affordable housing - £626,500, (ii) Open space – 98,793, (iii) Education - £94,801. The total commuted sum contribution would be £820,094.
- 7.12 The viability appraisal has been independently reviewed by the District Valuer. The District Valuer has advised that a developer's reasonable target return for a scheme of this nature is 18%. At this level of return it is advised that the project could deliver a reduced level of S106 contributions amounting to £313,623. However, on recent planning applications for other sites within the regeneration areas Committee has accepted that, in the interests of stimulating the regeneration of these sites and areas, a higher level of developer return of 20% would be appropriate before any S106 contributions would be expected. At a 20% developer return the proposed development would technically not be viable, with the tipping point being at 19.16%. The application building has remained substantially vacant over a number years and a previous planning permission for its redevelopment has expired without being implemented. It is therefore considered appropriate that the proposed development should be encouraged through the acceptance of a higher level of developer return of 20% and that a sufficient case has been made to waive S106 in this particular instance.

Other Material Considerations

Pollution and Contamination (Policy NE9)

- 7.13 Pollution Control has no objection to the proposed development subject to conditions relating to noise assessment and sound insulation, air quality assessment, and need for any ventilation and fume extraction. Subject to the conditions included in the draft decision notice appended to this report, it is therefore considered that the proposed development accords with Policy NE9.

Flood Risk and Drainage (Policy NE10, Policy 1)

- 7.14 Whilst the site is not located within a flood risk zone, the comments of the Drainage Team in relation to surface water flooding in the area are noted. Accordingly, it is recommended that conditions are attached to a planning permission to require further details of site drainage measures and surface water flooding management. Subject to these conditions it is considered that the proposed development accords with Policy NE10.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)

The building is to be stripped back and upgraded to meet modern insulation standards, reducing the energy usage of the building and providing a comfortable environment for residents. The application proposals also indicate that other sustainable features are aimed to be incorporated, including photovoltaic panels to power lighting and communal areas; green roofs to encourage wildlife habitats and reduce surface water runoff; and rainwater collection. Subject to conditions requiring further information and implementation of these features it is considered that the proposed development accords with Policies 1 and 17.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Ensuring Nottingham's workforce is skilled.

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: 16/00429/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O35FWDLYCB000>

2. Biodiversity Officer, 15.3.16

3. Drainage Team, 23.3.16

4. Highways, 24.3.16

5. Nottingham Civic Society, 26.3.16

6. Pollution Control, 4.4.16

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

Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

Nottingham City Centre Urban Design Guide (May 2009)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.



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

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Key

-  City Boundary
-  Planning Application Polygons

Nomad web map printed by a Nomad user at 09:45, 08/08/2016



Description

No map description

My Ref: 16/00429/PFUL3 (PP-04856122)
Your Ref:
Contact: Mr Jim Rae
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

Franklin Ellis Architects
FAO: Mr Joshua Hovey
5 The Ropewalk
Nottingham
NG15DU

Date of decision:

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

Application No: 16/00429/PFUL3 (PP-04856122)
Application by: Emma Property Management
Location: 1 Brook Street, Nottingham, NG1 1DY
Proposal: Change of use of existing building from office to residential, providing 101 apartments and including new cafe and creche use. Extension to the Second, Third and Fourth storeys within existing building footprint. Re-cladding of exterior facade and creation of internal courtyard.

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)



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Continued...

2. The development shall not be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- The type, size and frequency of delivery to/from the site;
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Wheel washing facilities;
 - Measures to control the emissions of dust and dirt during construction;
 - Routing agreements.

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

Reason: In the interests of highway safety and the amenity of surrounding occupants.

3. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

- Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- 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,
- Not more than 45dB LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

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

4. Prior to the commencement of the development, an air quality management scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include design techniques including a whole building ventilation scheme and/or other physical measures which reduce the exposure of future residents to poor air quality.

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

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



5. No development shall commence until large-scale elevation and section drawings to show the detailed design of each part of the building (e.g. scale 1:50 and/or 1:20) has been submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate details of:
- a) Elevations: including cladding and glazing systems; window types, reveals, soffits, entrances, doors, glazed balustrades and handrails;
 - b) Roofs: including edges, parapets, rooflights and solar panels;
 - c) Plant: including lift enclosure, external ventilation systems, and other similar elements that are integral to the fabric of the building;

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

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

6. No development shall commence until a large scale sample panel of all proposed external materials to be used in the construction of the approved development has been submitted to and approved the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved materials.

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

7. The approved development shall not be commenced until details of how the site will be drained, including a target 30% percentage reduction in peak surface water run-off rate relative to existing, have been submitted to and approved by the Local Planning Authority.

In the interests of minimising the risk of surface water flooding events affecting occupants of the development in accordance with Policy NE10 of the Nottingham Local Plan.

8. Details of measures to minimise the risk of flooding to the below ground floors of the development shall be submitted to and approved by the Local Planning Authority before development commences.

In the interests of minimising any impact of surface water flooding events affecting occupants of the development in accordance with Policy NE10 of the Nottingham Local Plan.

9. Prior to the commencement of the development, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the approved cafe/Class A3 element of the approved development shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from the cafe/Class A3 use.

Reason: In the interests of the amenity of neighbouring properties and in accordance with Policy S7 of the Nottingham Local Plan.

Pre-occupation conditions

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

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

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

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

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

12. The approved development shall not be occupied until details of the green roof system to be used across the roof of the Bath Street section of the building (Drawing Ref. 15054 Rev. A) have been submitted to and approved by the Local Planning Authority. The approved details shall also be implemented before the development is first occupied.

Reason: In the interests of ensuring that the development makes a positive contribution to the ecological networks within the City and in accordance with Policy 17 of the Aligned Core Strategies.

13. The approved drainage details (Condition 6) shall be implemented before the development is first occupied.

Reason: In the interests of minimising the risk of surface water flooding events affecting occupants of the development in accordance with Policy NE10 of the Nottingham Local Plan.

14. The approved measures to minimise the risk of surface water flooding to the below ground floors of the development (Condition 7) shall be implemented before the development is first occupied.

In the interests of minimising any impact of surface water flooding events affecting occupants of the development in accordance with Policy NE10 of the Nottingham Local Plan.

15. Prior to first use of the cafe/Class A3 element of the development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance from this use has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties and in accordance with Policy S7 of the Nottingham Local Plan.

16. No part of the development shall be occupied until such time that redundant vehicular access on Bath Street has been reinstated as footway with a full height kerb to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of occupants of the development.



17. No part of the development shall be occupied until the car parking spaces within the basement and lower ground floor levels of the building have been made available for use in association with the occupation of individual apartments and commercial premises within the building.

Reason: In order to ensure that car parking spaces are provided in accordance with the approved ratio in order to meet the residential needs of the approved development and in accordance with Policy T3 of the Nottingham Local Plan 2005.

18. A detailed landscaping scheme for the courtyard communal space of the development indicating the type, height, species and location of proposed planting, shall be submitted to and approved by the Local Planning Authority before the development is first brought into use. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any plants which die, are removed, or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the courtyard communal space of the development provides a satisfactory level of amenity for residents of the approved development in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

19. The car parking spaces within the basement and lower ground floor levels shall only be used for car parking in association with the occupation of individual apartments and commercial premises within the building within the approved development and for no other purpose including public or lease car parking.

Reason: In order to ensure that car parking spaces are provided in accordance with the approved ratio in order to meet the residential needs of the approved development and in accordance with Policy T3 of the Nottingham Local Plan 2005.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 29 February 2016.

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. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place.

4. The development makes it necessary to re-instate an existing vehicular crossing over a footway of the Public Highway on Bath Street. These works shall be constructed to the satisfaction of the Highway Authority and approval will take the form of a Section 278 Agreement. You are therefore required to contact Highways Network Management on 0115 8765293 to arrange for these works to be carried out. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

5. The proposed access re-instatement on Bath Street provides an opportunity to amend existing on-street parking which may be beneficial to the development. As such, Nottingham City Council's Traffic Management Team will be able to undertake a Traffic Regulation order on behalf of the Applicant. This is a separate legal process and the Applicant can contact Scott Harrison on 0115 87665245 to make arrangements. All costs to be borne by the Applicant.

6. It is an offence under S148 and S151 of the Highways Act 1980 (as amended) to deposit mud on the Public Highway and as such you should undertake every effort to prevent it occurring.

7. 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) 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 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.

8. 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.

9. Control of Odour

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

It is recommended that the ventilation system is designed, installed and maintained by a competent person and includes the following:-

- i. A canopy of adequate size, sited over the cooking appliances,
- ii. Washable or disposable grease filters. Additional odour-reducing filters will be needed in some circumstances.
- iii. A fan of adequate capacity capable of achieving a minimum of 40 air changes per hour in the kitchen area, connected to a variable fan speed control switch is provided
- iv. Ducting to convey cooking fumes and steam to a suitable point for adequate dispersal into the atmosphere. A cap and or cowl at the point of discharge should therefore not be provided.
- v. Permanent make up air facilities which are fitted with back-draught shutters, are insect proof and are sited to ensure efficient circulation of air into the kitchen
- vi. Regular cleaning or changing of any filters and sufficient access points to enable periodic cleaning of the system are provided.

The onus for ensuring that the system does not cause odour nuisance rests with the operator. If the system is found to be causing an odour nuisance at any point, then suitable modification works will be required to be carried out and an abatement notice may be served.

10. Drainage

References to "rainwater harvesting" and "green roofs" within the application documents are supported in relation to a reduction in surface water run-off and should be included within the range of proposed measures to be used.

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: 16/00429/PFUL3 (PP-04856122)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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WARDS AFFECTED: Sherwood

Item No:

PLANNING COMMITTEE
17th August 2016

REPORT OF CHIEF PLANNER

14 Victoria Crescent, Nottingham

1 SUMMARY

Application No: 16/00607/PFUL3 for planning permission

Application by: Haven Architecture Ltd on behalf of Ms E Hipkiss Mr L Phillips

Proposal: New first floor and two storey side extension to create two storey dwelling. New boundary wall and gates.

The application is brought to Committee by request of a Local Ward Member due to the level of concern raised by neighbouring residents.

To meet the Council's Performance Targets this application should have been determined by 22nd July 2016.

2 RECOMMENDATIONS

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

Power to determine the final details of the conditions to be delegated to the Chief Planner.

3 BACKGROUND

- 3.1 The application site is located within a Primarily Residential Area and the Mapperley Park/Alexandra Park Conservation Area. It is currently occupied by a single storey dwelling of modest height (5.4 metres) with a narrow street frontage and its main entrance on the side (west) elevation facing 12 Victoria Crescent. The dwelling is of a 1960's style and is understood to have been constructed on a former tennis court of a neighbouring property on Richmond Drive. The property is of little architectural merit, although the low height and shallow pitched roof gives it a limited presence in the streetscene. There are a number of mature trees and shrubs on the application site, including a large walnut tree to the western boundary of the site close to 19 and 21 Richmond Drive. The site is currently partially bounded to the front with timber close boarded fencing. Off-street parking is available at the front of the dwelling.
- 3.2 The application site is bounded on either side by 12 and 16 Victoria Crescent, traditional Edwardian 2 and 3 storey detached dwellings. To the rear of the site are properties on Richmond Drive and these are again of traditional Edwardian/Victorian style. Victoria Crescent slopes steeply down from the north with no. 16 being on a higher ground level than the application site and no. 12 being set on lower ground.

- 3.3 Planning permission for an extension to the front of the existing garage at the property was granted in January 2014 and remains extant (13/02762/PFUL3).
- 3.4 Consideration of this application was deferred at the Planning Committee on 20th July to allow members to visit the site.

4 DETAILS OF THE PROPOSAL

- 4.1 This application is seeking permission for the erection of a new first floor over part of the existing dwelling and a two storey side extension to create a 2-storey dwelling on the site. A new boundary wall and vehicular access gates are also proposed.
- 4.2 Following the submission of amended plans the application is proposing the construction of a first floor with mono-pitch roof sloping away from 16 Victoria Crescent in powder coated standing seam for a depth of 13.5 metres. The rearmost 5.3 metres of the dwelling would remain as single storey with the existing pitched roof being removed and replaced with a flat roof finished with sedum. To the western side elevation a 2-storey extension is proposed in front of the existing main entrance, this too would have a mono-pitch roof. The extensions are proposed to be constructed in render and brick cladding with aluminium window frames.
- 4.3 The proposed extensions would result in the creation of 5-bedroom dwelling with generous ground floor living accommodation. The amended plans show windows serving first floor principal rooms predominantly within the front and rear (north and south) elevations. High level windows are proposed within the side elevations at first floor level.
- 4.4 Amended plans show a front boundary wall of approximately 1.8 metres in height as it steps down the slope in the road on Victoria Crescent. The proposed wall would replace the existing close boarded fencing to the front and 2 solid timber gates would allow access to the site.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

11 Neighbours notified of the original proposal on 8th April 2016.

6a; 7 (ground & first floor flats); 12; 16 Victoria Crescent; 17; 19; 19a; 21; 23; 25 Richmond Drive.

11 Neighbours plus contributors notified of the amended plans on 24th May 2016.

Site notice displayed on the 8th April 2016.

Press notice published on the 20th April 2016.

Public consultation period expired on 23rd June 2016 (following the grant of an extension for the submission of comments due to the amended plans being submitted just before the school half term holiday).

Responses to the original plans:

Neighbour, 12 Victoria Crescent:

- Proposed works will have a significant and detrimental impact on the residential amenities of both the property and garden of 12 Victoria Crescent by virtue of overlooking and overshadowing from substantial windows and side facing balcony. This is exacerbated further by the removal of trees along the common boundary, understood to be consented by the Council.
- Development is considered to be harmful to the character and appearance of the Conservation Area and contrary to existing development plan policies and the NPPF advice.
- Victoria Crescent is on a steep incline and no. 12 is positioned at a lower ground level to the application site. At present the eaves line of no. 14 is ground floor level to no. 12 and views from no. 12 are onto the side wall of the bungalow which is acceptable as light feeds into the neighbouring property over the low ridge height of the bungalow ensuring that it does not appear intrusive, overbearing or does it overshadow the house and garden at no. 12. The current arrangement affords a high level of privacy to no. 12's property and garden.
- The proposal is effectively the replacement of a modest low height bungalow with a new two-storey house. It is requested that the applicant be asked to explicitly confirm that the works do not entail the substantial demolition of the dwelling and its replacement with a new dwelling. If this is the case the application is incorrectly submitted.
- Such a large expanse of glazing to the side wall is not appropriate where dwellings are in close proximity to each other and will result in a very different outlook from no. 12, particularly in the winter when the deciduous trees have lost their leaves.
- There is an application pending consideration for extensions to no. 12 which has been designed with full consideration of any impact upon neighbours.
- There is guidance on other Council websites that quote: there should be a minimum of 22 metres between habitable room windows and 13 metres between habitable room windows and a wall exceeding the height of that window. These distances are relevant on flat ground; on sloping ground an increased distance is required. If these standards cannot be fully provided overlooking can be reduced by: i) screen walls or fences; ii) obscure glazing; iii) the installation of high level windows or roof lights. The use of side windows in extensions adjacent to boundaries should be avoided, as a view across adjacent land/gardens, or adequate light, cannot be assumed.
- The Design Statement submitted with the application fails to discuss the relationship of the application site with 12 Victoria Crescent.
- Privacy within garden areas is a character of the Conservation Area. The proposed expanse of glass facing the boundary with no. 12 violates the very nature of what the Conservation Area is trying to conserve.
- The most usable part of the garden at no. 12 is that immediately to the side of the application site as this is level and receives most of the sunshine throughout the day. The garden at no. 12 whilst large, has several unusable areas as it is on a steep incline from the patio to the rear of the garden.
- No objection to the plot being developed but more consideration should be given to how the property can be extended sympathetically not just how large it can be made. The first floor and roof should be redesigned to be more respectful to the neighbours and thus smaller in its design to minimise overshadowing.
- Design of the proposal is unattractive and looks like a commercial office unit not a family home. The design has not achieved its task in creating something which will benefit the streetscene visually and will actually look out of place.

Therefore in its current state the plans should be rejected; requiring serious amendment before any future applications are submitted.

- The plans show a gate and new boundary wall on part of the land belonging to no. 12 where no. 14 have right of access. This has not been agreed to and ask that the front wall and gate be redesigned.

Neighbour, 17 Richmond Drive:

- This proposed development is too large for the space.

Neighbour, 16 Victoria Crescent:

- The property at 16 Victoria Crescent will have originally been designed to allow the rooms on the western elevation to take advantage of the outlook and views down the Crescent and across Nottingham. The current proposal would result in this historic house that has been sympathetically restored over the past 4 years losing these elements.
- This proposal will affect the views from our property.
- Windows to be inserted in the side of the proposed dwelling facing their property will directly look into their side facing windows at very close range resulting in a loss of privacy and outlook to their affected rooms.
- The bungalow extends some distance beyond the back wall of 16 Victoria Crescent, and as such the impact in relation to overshadowing and also loss of privacy extends not only to the side of number 16 Victoria Crescent but also to the most private area of the garden immediately behind the house.

Mapperley Park Residents Association:

- Believe that the amenity of no. 12 is seriously infringed and the amenity of no. 16 is partially infringed by the proposal.

Nottingham Civic Society:

Nottingham Civic Society has reservations about the replacement of a bungalow at 14 Victoria Crescent in Mapperley Park Conservation Area with a 2 storey dwelling. Although the removal of the bungalow is not a problem in itself, its replacement with a building two storeys in height could have a greater impact on the settings of heritage assets (original Edwardian houses) nearby as demonstrated in the Design & Access Statement submitted.

The bungalow was built in the garden of an original house and would have been designed to keep a low profile with respect to its neighbour. This element of the character of the conservation area - glimpsed views of Edwardian gables emerging through mature planting, would be weakened by the introduction of an additional storey including its shallow pitched roof, which itself appears somewhat at odds with the traditional Mapperley Park roofscapes of steeper pitches. Therefore the Civic Society is concerned about the effect of the additional height, demonstrated by the sections, on the character of the conservation area.

Neighbour, 19 Richmond Drive:

- There would be overlooking to properties at the rear on Richmond Drive due to the proposed increase in height and provision of a balcony.
- This proposal is too ambitiously modern to be sited alongside the Edwardian dwellings of 19 and 19a Richmond Drive.

Neighbour, 21 Richmond Drive:

- Disappointed to have learnt about this through a council letter rather than informal engagement with the owners themselves.

- A building with variable heights, a feature of many of the older buildings, which still allows views across the site would be more appropriate. The current proposed design does little to relieve the stark rectilinear building form.

Responses to the amended plans:

Mapperley Park Residents Association:

- The proposal will add a significant mass of building into what feels like the back garden space of the urban block.
- An improvement in that the first floor habitable room windows do not overlook the neighbours back gardens, however, the resulting elevations that face 12 and 16 are high, bland and imposing and there is a full height corner window directly overlooking the back garden of 12 Victoria Crescent.
- The positioning of the proposed two-storey extension would require the cutting back of trees in the garden of 12 Victoria Crescent.
- The submitted plans are confusing.

Neighbour, 12 Victoria Crescent:

- The reduction in the bulk of the building is an improvement on the previous proposal, however the design and materials are still unsympathetic to the character of the Conservation Area and of a quality which is very clearly unsuitable for this special area.
- Concerned that the flat roof element will be extended upon at a later date under permitted development.
- Plans remain unacceptable to occupants of 12 Victoria Crescent in that they will still cause a significant loss of privacy through overlooking, have an overbearing impact due to increased bulk and mass and will result in loss of residential amenity.
- Remains detrimental to the character of the Conservation Area.
- Full height corner window to the west elevation of the proposed new dwelling will result in direct overlooking to 12 Victoria Crescent. Strongly object to any windows facing no. 12, windows in the new dwelling should look out to the front and back elevations on the site, be discrete and be oriel in style so as to avoid overlooking.
- The proposed height of the dwelling along with the now proposed 2-storey extension to the west elevation will bring the dwelling closer to the boundary with 12 Victoria Crescent and due to the change in level the dwelling will appear as 3-storey from the neighbouring property and garden.
- The proposed dwelling would be visible from the gardens of properties on Victoria Crescent and Richmond Drive due to its positioning 2/3 into its plot compared to the most properties that sit 1/3 into their plot. This would be incongruous.
- Do not feel that an extension of the size proposed is needed, the re-design results in an extension close to the boundary with 12 Victoria Crescent which increases the mass considerably. There is clearly scope downstairs for further guest room accommodation to be provided.
- Concerned about the mature and established trees on the boundary which are within the garden of 12 Victoria Crescent and will be affected by the proposed extension. Feel that the cutting back of these trees is inappropriate and will further affect privacy and exacerbate the issue of overbearing impact.
- There appears to be some confusion in relation to the height of the roof and would like this clarifying. Such errors make it very difficult to visually assess the true impact of the proposal.

- The levels shown on the new site layout appear to be entirely fictitious as 16 Victoria Crescent seems to be considerably higher than it actually is. Surveyors have not accessed neighbouring land indicating that the development has not properly taken into consideration the height of the proposed roof in relation to no. 16.
- Other details on the plans are either vague or appear incorrect. This inaccurate information means it is necessary to proceed with caution over the proposals
- No second storey should be allowed on this bungalow. It should maintain its low profile within the streetscene. It has recently been exposed by the removal of fence panels. It is clear that any increase in height at the front would visually compete with the surrounding historic Edwardian houses.
- All of the newer houses on the street in infill plots are single storey so as to avoid competing with the original historic houses. Would be more appropriate to add accommodation within the existing roof space. If this is allowed it would set a precedent for other bungalows in similar plots to do the same.
- Query the original consent for the bungalow and whether a further storey is actually permitted.
- Proposed render to the front wall would be incongruous. Small front gate is of a poor design and would be difficult for the applicants to drive onto their land.
- Design is unimaginative, unattractive and very poor. The proposed building is at odds with the surrounding area. Would expect design proposals to look to surrounding shapes, colours and materials to create an exceptional example of modern day architecture. It would appear that the applicants wish to make as large a property as possible for as little cost as possible. Any new design should aim to retain the low profile always intended, keep the property hidden from the street and meet the quality expected in a Conservation Area.
- The proposal would result in a very large dwelling 287.65 sq. m (external floorspace) compared to an average generous modern 5 bedroom 2-storey dwelling of approximately 195 sq. m.
- Whilst it is acknowledged that Mapperley Park has been subject to change from infill development in the past, particularly with bungalow development, the proposed extensions, which effectively replace the bungalow with a significantly larger house introduces a new built form here which is considered out of scale with the existing plot size and the hierarchy of buildings within the streetscape and in doing so undermines the visual hierarchy of this part of Victoria Crescent.
- The full height glazing to bedroom 1 appears to be as such to enable conversion of the sedum roof to a balcony in the near future. Should planning permission be granted a condition should be added to any consent stating the permission would be required for such works.
- The omission of a first floor towards the rear of the building will reduce the impact to an extent in relation to the rear garden but is offset by the new side extension which will be clearly visible from both the house and garden. Its close proximity is such to appear intrusive and overbearing.
- The proposed revised extensions have not sought to incorporate the existing character and scale of the single storey building into the proposed house but sought to achieve a new dwelling in both scale and character on this site which still reflects the original proposal.
- Views, particularly by virtue of glimpses, within the Conservation Area would be lost through the increase in the ridge height of the proposal.
- The Mapperley Park and Alexandra Park Conservation Area and Management Plan (2007) refers to large gardens providing a “valuable sense of space and mature landscapes” which we should preserve for future generations (paragraph 5.1).

- The choice of materials and design elements introduced to resolve neighbour amenity issues introduces alien and discordant features at odds with the character and appearance of this part of Victoria Crescent.

Neighbour, 17 Richmond Drive:

- Object to the resubmission, which looks like a complete new build, and will have significant detriment to neighbours and is not in keeping with the Mapperley Park Conservation Area.

Neighbour, 21 Richmond Drive:

- The reduction in bulk of the building is an improvement, however, the design and materials are still unsympathetic to the character of the Conservation Area.
- Concerned that the introduction of the flat roof area and reduction in scale is to secure planning permission but will be later extended to the size and scale of the proposal under permitted development.
- The odd arrangement of panels of different materials do not present a coherent whole, in particular the brick cladding, a material most frequently used on short lived industrial buildings, will appear fake and unduly precise. It is a material most commonly seen in commercial outlets and as such has no place in a conservation area.
- There are no public benefits to the proposal, it will result in harm to the character and appearance of the conservation area and the setting of nearby older buildings which are the essence of the area. The proposal does not meet the requirements for historic areas set out in national policy.

Neighbour, 16 Victoria Crescent:

- It is assessed that virtually the whole length of the side of 16 Victoria Crescent will face, at close range, the side of the two storey extension. This along with the introduction of side facing first floor windows, albeit to bathrooms, will inevitably be a perception of being overlooked and an ability to look into the large side facing windows in 16 Victoria Crescent which will result in a diminution of residential amenities.
- By virtue of the position, height and bulk of the first floor extension there will be an overshadowing of side facing windows and the area of garden behind the dwelling at 16 Victoria Crescent. In addition there will be unacceptable overlooking from the first floor rear windows, in particular the first floor glazed wall to bedroom 1, which will facilitate wide views of the rear garden at ground level (due to the levels difference between the site) and the loss of the high level of privacy currently enjoyed at the property.
- It is not considered that the amended plans reduce the impact on no. 16 to a sufficient level to address visual impact issues, especially in relation to the views afforded from no. 16 over the top of the existing bungalow.
- The large increase in the size of this property is contrary to policy requiring a mix of dwelling types and sizes within an area.

The following additional representations were reported as an update to the July meeting:

Further representation received from neighbour at 16 Victoria Crescent raising the following points about the report:

- Paragraph 7.11 is incorrect in relation to the specified height.
- Paragraph 7.12 is misleading in relation to the distance between the buildings.

- Paragraph 7.2 states that the height of no. 14 will be increased by 1.55m. This needs clarifying.
- Section 5. The wording from the Civic Society does not wholly reflect what they said.
- Section 5. The paragraph detailing comments from no 16 in relation to amended plans does not include all of the points raised in their letter. Understand that these have been raised by other neighbours, but should be amended to ensure the report is an accurate representation.
- In addition to the comments detailed in the main report the owners of 16 Victoria Crescent would like to clarify that they also raised the following concerns:
 1. Concern re the look and design of the development. Out of keeping and will not sit well with existing homes nearby.
 2. That it will have a detrimental impact on the conservation area by detracting from the older grander properties which is contrary to the Mapperley Park and Alexandra Park Conservation Area Appraisal Plan that states that the newer infill properties should sit quietly between the older properties to maintain the character of the area.
 3. That we have concerns that by allowing the bungalow to add a second storey will set a precedent for other single storey dwellings to do the same thus resulting a further dilution of the character of the area.

Further representation received from neighbour at 21 Richmond Drive raising the following points:

- Really disappointed to see that the many of the comments we made on the original proposal have not been included in your report in any detail at all, noting that our second comments on the amended proposal have been.
- Concerned that the report does not cover the issue of the risk of 'permitted development' to the rear of the property. For us, at the rear, this is a big concern as you will no doubt appreciate.
- I am so disappointed that the council are condoning this development in such a lovely environment. When describing the situation to friends and colleagues, all I can describe the proposal as is 'think of an out of town retail fast food joint'. I cannot agree with your comments around the design contributing to the conservation area. There is not one similar example of such a cheap looking building anywhere in the conservation area as far as I know, and I am very concerned that a decision taken tomorrow is the start of the erosion of this beautiful residential area.
- In addition to the comments detailed in the main report the owners of 21 Richmond Drive would like to clarify that they also raised the following concerns:
 1. Concerns about the proposed materials to be used, which are more akin to industrial premises than a conservation area;
 2. Concerns about the development eroding the views and treed landscape;
 3. Request for consideration of a building of variable heights.

Additional consultation letters sent to:

Conservation & Design: Following the submission of amended plans it is felt that on balance and subject to conditions on materials, the application would preserve the special architectural character of the Conservation Area and would comply with policy BE12 of the Nottingham Local Plan and section 12 of the NPPF.

Tree Officer: No objection.

Pollution Control: No objection. Construction and demolition informative to be imposed.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and to identify the significance of the heritage asset. The NPPF advises that Local Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contributions they can make to sustainable communities, including their economic viability and to local character and distinctiveness.
- 6.3 Paragraph 131 of the NPPF advises that, in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.

Aligned Core Strategy (2014)

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

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

Policy 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):

BE12 - Development in Conservation Areas.

NE5 - Trees.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Design and impact upon the Mapperley Park/Alexandra Park Conservation Area
- (ii) Residential amenity

Issue (i) Design and impact upon the Mapperley Park/Alexandra Park Conservation Area and Trees (Section 12 of the National Planning Policy Framework; Policies NE5 and BE12 of the Local Plan; Policies 10 and 11 of the Aligned Core Strategy; Mapperley Park/Alexandra Park Conservation Area Appraisal 2007)

- 7.1 The application site is located within a Primarily Residential Area as defined by the Local Plan. There is therefore no objection in principle to residential extensions, provided that they comply with the other policies of the development plan.
- 7.2 The proposed extension is considered to be of an appropriate scale and design for this location within the Mapperley Park/Alexandra Park Conservation Area. It is proposed to extend the bungalow, which is currently of no notable architectural value, by adding an additional storey and significantly altering the appearance of the elevations by changing window and door openings, the roof profile and the facing materials. The elevations would all be remodelled to feature aluminium framed windows, cream coloured render, red brick cladding and mono pitched and flat roofs. Because of the building's siting and profile, its impact on the streetscene would remain relatively low following completion of the proposed works. Although the first floor extensions would lead to an increase in the building's overall mass, the maximum height of the building is increased by only 1.55m and the front elevation's proportions would remain domestic in scale.
- 7.3 The Mapperley Park/Alexandra Park Conservation Appraisal seeks to resist extensions on the front or principal elevations, and secure extensions that are of subordinate scale. However, it is considered that the application proposal is a comprehensive remodelling of the original building and that it is appropriate to consider the proposals against the guidance for new development. All proposals for new development must be in keeping with the character of the residential area, taking into account the physical scale and form of the prevailing area; existing trees; and the impact in the street scene. Any proposal that harms this character will be resisted. The appraisal notes that boundary walls should be of Bulwell Stone.
- 7.4 The Appraisal requires all new developments to be carefully designed having regard to their context, using good quality materials and architectural detailing. Buildings should be set back from the road, and set within landscaped grounds. Existing trees, where they make a contribution to the visual amenities of the Area, and boundaries, should be retained.
- 7.5 As a remodelling of an existing property, the application does not involve the development of a previously undeveloped garden. The development is well designed in its own right and it is considered that it will make a positive contribution to local character and distinctiveness by virtue of being a distinct modern structure that adds to the overall history and development of the Conservation Area. The proposal is therefore considered to represent a form of development that will enhance the Conservation Area.

- 7.6 It is recommended that any grant of planning permission is subject to a pre-commencement condition in relation to the approval of all external materials to ensure the development is of an acceptable high quality commensurate with its Conservation Area location.
- 7.7 The quality of detail, proportions and ratios of solid to void on the east and west elevations, are slightly compromised by the constraints of the site and the need to minimise overlooking of neighbouring properties. However, these elevations will have a minimal impact on the character of the conservation area and would not in themselves make the scheme unacceptable from a conservation perspective.
- 7.8 The amended plans show a 2-storey extension to the western elevation in close proximity to trees within the neighbouring (12 Victoria Crescent) property. The two closest trees are a Damson and a Laburnum which are considered to add little to the character of the Conservation Area and the council's tree officer advises that a TPO could not be justified. On this basis no tree protection condition is required should planning permission be granted.
- 7.9 For the reasons above it is felt that on balance and subject to conditions on materials, the application would preserve and enhance the special architectural character of the Conservation Area and would comply with Policy BE12 of the Nottingham Local Plan, Policies 10 and 11 of the Aligned Core Strategy and section 12 of the NPPF.

Issue (ii) Residential amenity (Policy 10 of the Aligned Core Strategy)

- 7.10 Having regard to the design, scale, location and outlook from the proposed development, and the relationship with the site boundaries, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook.
- 7.11 The amended plans have reduced the extent of the first floor extension adjacent to the boundary with 16 Victoria Crescent both by way of height and depth. The dwelling at no. 16 is Edwardian in age and was designed to take advantage of the far reaching views to the west. 16 Victoria Crescent sits above the application site by approximately 2.8 metres with its lower ground floor level being in line with the current eaves height of the bungalow at no. 14. No. 16 has a number of principal windows on the western elevation all of which look out onto the existing pitch roof, with the exception of those at lower ground level which have a view of the side boundary fence. Drawing no. 248.11 F, received on 11.07.16, clarifies the overall height of the proposal, and drawing no. 248.12 A, received 11.07.16, shows the existing elevations superimposed on to the proposed elevations. The increase in the overall height of the building would be 1.55 metres. The amended proposal, with the reduced height mono-pitch roof to the front portion of the original footprint of the bungalow, and the removal of the existing roof pitch to the rear of the original bungalow, would maintain the outlook from the main ground floor living area of number 16.
- 7.12 Whilst it is accepted that the new first floor will be visible from the secondary, linked living area on the ground floor, and also from the first floor bedroom, it is considered that the impact on these rooms will be acceptable in terms of light and outlook due to the distance away from these windows that the increased roof height

will be (the highest part of the new roof would be approximately 11 metres from the boundary with number 16).

- 7.13 The windows to the lower ground floor have a relatively limited outlook and whilst it is accepted that the first floor extension would be visible from these windows, it is considered that it would not have an overbearing impact, and that the effect on sunlight/daylight would be acceptable. Concern has been expressed by the occupants of 16 Victoria Crescent regarding overlooking and loss of privacy from and to the proposed windows within the first floor side elevation. The amended plans show these as being high level and obscurely glazed to serve bathrooms on the first floor. It is considered reasonable to condition that these remain obscurely glazed and fixed, as annotated on the plans, to ensure no loss of privacy.
- 7.14 The amended plans show a significantly reduced level of glazing to the west elevation to prevent direct overlooking and subsequent loss of privacy to the neighbouring property at 12 Victoria Crescent. The glazing which has been retained on this elevation would be at a high level (over 1.7 metres above the floor level) and would add both interest to this elevation and bring in natural light to the rooms they serve. Part of the large window serving bedroom 1 is shown on this western elevation and it is considered necessary and reasonable for this to be obscurely glazed and fixed as this could look into the private rear garden area of 12 Victoria Crescent. Whilst the property at 12 Victoria Crescent is located on ground at a lower level than the application site the distance between the proposed development and the existing dwelling at no. 12 along with the presence of mature trees and shrubs on the boundary would prevent any significant loss of amenity through overbearing impact or loss of natural light. The outlook from the window serving bedroom 5 within the proposed 2-storey extension to the western side of the application site would be down the garden of the application site, and so this room would not directly overlook the private garden area of the neighbouring property.
- 7.15 There would be a distance of 25 metres from the rear elevation of the first floor element of the extension to the boundary of the application site. This is considered to be sufficient to prevent any significant overlooking or loss of privacy to the dwellings at the rear of the site on Richmond Drive.
- 7.16 Neighbours have raised concerns in relation to the possibility of further development through the exercise of Permitted Development Rights. Under current legislation, development within a Conservation Area is restricted to single storey in height with a maximum depth of 4 metres from the original rear elevation. These rights are available to the original dwelling and it is not considered necessary or reasonable to withdraw them in the context of an application for extensions to the property.
- 7.17 In relation to the neighbours' concerns about any potential use of the proposed flat roof, this has been covered by way of recommended condition 5. The materials are subject to condition and separate approval.
- 7.18 Overall with the use of conditions where necessary and reasonable it is considered that the amended plans have overcome concerns relating to the amenity of neighbouring properties and the proposal therefore complies with Policy 10 of the Aligned Core Strategy.

8. SUSTAINABILITY / BIODIVERSITY

A sedum roof is to be incorporated in the rear section of the building. The extension would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. As an extension to an existing dwelling it is considered that this is sufficient to satisfy the requirements of Policy 1.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 16/00607/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O46G45LYFFP00>

2. Pollution Control comments 12th April 2016

3. Letter on behalf of 12 Victoria Crescent 19th April 2016

4. Letter on behalf of 16 Victoria Crescent 19th April 2016

5. Letter from 12 Victoria Crescent 25th April 2016

6. Public Access e-mail from 17 Richmond Drive 26th April 2016

7. E-mail on behalf of Mapperley Park Residents Association 27th April 2016

8. Letter from 16 Victoria Crescent 29th April 2016

9. Public Access e-mail and E-mail from 21 Richmond Drive 9th May 2016

10. Public Access e-mail from Nottingham Civic Society 9th May 2016

11. E-mail from 19 Richmond Drive 9th May 2016

12. E-mail on behalf of Mapperley Park Residents Association 3rd June 2016

13. Public Access e-mail from 12 Victoria Crescent 4th June 2016

14. Public Access e-mail from 17 Richmond Drive 6th June 2016
15. E-mail from 21 Richmond Drive 14th June 2016
16. Letter from 12 Victoria Crescent 21st June 2016
17. Letter on behalf of 12 Victoria Crescent 21st June 2016
18. Clarification e-mail from agent 21st June 2016
19. Conservation Officer comments 21st June 2016
20. Letter on behalf of 16 Victoria Crescent 21st June 2016
21. Letter from 16 Victoria Crescent 23rd June 2016
22. E-mail dated 15th July 2016 from resident of 16 Victoria Crescent
23. E-mail dated 19th July 2016 from resident of 21 Richmond Drive.

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Mapperley Park/Alexandra Park Conservation Area Appraisal (February 2007)

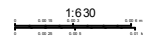
Contact Officer:

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



NOMAD printed map



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Key

-  City Boundary
-  Planning Application Polygons

Description

No map description

My Ref: 16/00607/PFUL3 (PP-04907694)
Your Ref:
Contact: Mrs Rachel Gaskell (Mon, Tue And Fri)
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Haven Architecture Ltd
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The Haven
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Loughborough
LE12 6SZ

Date of decision:

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

Application No: 16/00607/PFUL3 (PP-04907694)
Application by: Ms E Hipkiss Mr L Phillips
Location: 14 Victoria Crescent, Nottingham, NG5 4DA
Proposal: New first floor and two storey side extension to create two storey dwelling. New boundary wall and gates.

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

Time limit

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

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

Pre-commencement conditions

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

2. Prior to the commencement of the development, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) details or representative samples of all external materials to be used in the construction of the extension hereby permitted;
 - b) details of all windows and doors, including cross-sections and reveal depths;
 - c) details of eaves, fascias, soffits, gutters and downpipes.

Reason: To ensure a high quality development in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.

Pre-occupation conditions

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



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DRAFT ONLY

Not for issue

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Continued...

Regulatory/ongoing conditions

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

3. That part of the window serving bedroom 1 within the first floor western elevation shall be obscure-glazed and non-opening, and shall be retained as such for the lifetime of the development.

Reason: In the interests of residential amenity to prevent direct overlooking and loss of privacy to the neighbouring property, in accordance with Policy 10 of the Aligned Core Strategy.

4. The windows within the first floor eastern side elevation shall be obscure-glazed and non-opening, and shall be retained as such for the lifetime of the development.

Reason: In the interests of residential amenity to prevent direct overlooking of the neighbouring property, in accordance with Policy 10 of the Aligned Core Strategy.

5. There shall be no direct access from the first floor to the flat roof to the rear of the building, and the flat roof shall not be used as a balcony or sitting out area at any time.

Reason: In the interests of residential amenity to prevent direct overlooking and loss of privacy to the neighbouring property, in accordance 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 forms, drawings and other documents comprising the application as validated by the council on 17 March 2016.

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

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

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

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

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: 16/00607/PFUL3 (PP-04907694)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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WARDS AFFECTED: Bulwell and Bulwell Forest

Item No:

**PLANNING COMMITTEE
17TH AUGUST 2016**

REPORT OF CHIEF PLANNER

Bulwell Conservation Area, Proposed Conservation Area Designation

1 SUMMARY

This report sets out the case and process for designating a new Conservation Area in Bulwell which includes the town centre and adjacent areas.

2 RECOMMENDATIONS

That Planning Committee:

- 2.1 note the proposal to designate as a Conservation Area the area shown outlined red on the plan in Appendix 1;
- 2.2 provide any specific comments on the proposal, and recommend the designation by Executive Board in due course.

3 BACKGROUND

- 3.1 Local Authorities have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate areas of special historic or architectural interest that are worthy of preservation or enhancement.
- 3.2 During the consultation phase for the Nottingham Heritage Strategy (adopted March 2015) there was a strong desire expressed to look beyond the City Centre and to provide proper recognition to the diverse heritage of Nottingham's local communities. As a market town, Bulwell is has a distinctive commercial identity and long history which is worthy of being recognised and celebrated.
- 3.3 The designation of Bulwell's town centre as a Conservation Area provides a first step in preserving and enhancing its distinctive character. This designation was identified as one of 5 flagship projects with potential to be taken forward in the first year of delivering the Nottingham Heritage Strategy.

4 CONSULTATION AND OBSERVATIONS OF OTHER OFFICERS

- 4.1 Initial focus group meetings were held at Bulwell Riverside Centre on 9th December 2015 and 20th January 2016. This was attended by a diverse group of people with an interest in the area including representatives from the Bulwell Town Team and Bulwell History Society, Ward Councillors and a number of individual property and business owners. Through these meetings a draft boundary for the Conservation Area was developed.

- 4.2 These meetings were followed by a public consultation event in Bulwell Market Place on 18th March. The draft boundary was presented and people had the opportunity to comment by responding to a brief survey. 24 individual survey responses were received all of which supported the designation of the town as a Conservation Area. 16 respondents were of the view that the boundary was appropriate as presented while 5 thought that the Baptist Church on Coventry Road should also be included in the area. Many also gave comments about sites and buildings that they valued most highly and those which they felt had a negative impact on the area.
- 4.3 Following an amendment to the draft boundary to include the Baptist Church on Coventry Road, a consultation letter was delivered to all 430 properties affected by the designation over 11th and 12th March 2016. The letter included information on the implications of designation, a copy of the proposed Conservation Area boundary map, a link to an online survey for written responses and an invitation to a drop-in session at Bulwell Riverside Centre on 8th June 2016. A deadline of 16th June was given for written consultation responses. Around 30 individuals attended the drop-in session where local ward Councillors, Tom Street (Conservation Officer) and Mark Armstrong (Town Centre Co-ordinator) were available to discuss the proposal. A wide range of questions and issues were raised at the session and while most were supportive of the Conservation Area some who attended raised concerns. The most common concern related to the restriction of property owners' rights in relation to development and works to trees.
- 4.4 A total of 16 responses were received to the online survey. Of these only one respondent objected to the proposed designation. The individual was of the view that the only buildings of note were the grade II listed buildings and that the proposed boundary included some Victorian and Edwardian Buildings while leaving many others outside the designated area. They felt that this placed many restrictions on selected properties while neighbouring properties were unaffected. The remainder of the responses were strongly supportive of the proposal and cited the benefits of enhancing the character of the area and improving its condition in the long term. 10 people said they supported the draft boundary and 5 said they did not. Of these 5, 2 said that the proposed area was too large and 2 said it should include additional streets. One respondent made a case for the exclusion of Commercial Road, Thames Street and Mersey Street. They pointed out that properties on these streets are mainly private rented houses, occupied by low income families and in a poor state of repair. They acknowledged that some of these homes were of architectural significance, but feared that the designation could deter landlords from improving the condition of their properties and would not address the social decline of the neighbourhood. In their view a much more proactive approach to improving the level of housing provision and the community pride in the area would therefore be required. The respondent was also of the view that the Well Church at 1 Strelley Street and the adjoining electricity substation were not of historic value and should be excluded from the designated area.
- 4.5 In addition to the survey responses, 5 responses were received by e-mail:
- The first objected to the designation of the Conservation Area. They were against the restriction of development freedoms and the additional expense of planning application fees. They felt the Conservation Area would stifle change and improvements to buildings and would not enhance the area.
 - The second objected to the inclusion of the Bulwell Stone, terraced properties on Filey Street due to their poor condition and their potential to restrict the development options for the whole of the Shipstones Yard site.

- The third objected to the Conservation Area. They felt that it would restrict their development freedom, make it more costly for people to maintain their houses, lead to people allowing their trees to grow and grow and make their property harder to sell.
- The fourth requested that the boundary be redrawn to exclude The Well Church at 1 Strelley Street and the adjacent electricity substation. As a church occupying a modern building they felt that being included in the Conservation Area would be of no benefit to them.
- The fifth was from the Nottingham Civic Society who supported the designation and the proposed boundary.

4.6 The feedback received from surveys and written comments has raised a number of points requiring a response:

- *“The Baptist Church on Coventry Road should be included in the designated area.”* The Baptist Church and the neighbouring Riverside Centre have been included in the finalised boundary proposal.
- *“The only buildings of note in the town are the listed buildings.”* This point is challenged by other responses that gave numerous examples of unlisted buildings which are valued by the local community for their history and architecture. An initial assessment has shown that there are a large number of unlisted buildings of architectural and historic interest within the proposed boundary which warrant the additional recognition and protection offered by a Conservation Area.
- *“The boundary includes some Victorian and Edwardian buildings, but leaves many others outside the designated area.”* The proposed boundary aims to include the historic core of the town, but must also make an assessment of which streets and buildings have best retained their architectural character and materials. This has led to a boundary which is relatively tightly drawn around the town centre and the key routes out of it to the north west and east. It would be impractical and unjustified to include all the areas of Victorian and Edwardian development in the town.
- *“Commercial Road, Thames Street and Mersey Street should be excluded. The streets are mainly private rented houses occupied by low income families and are in a poor state of repair.”* The designation of a Conservation Area should not be assessed on the social status and demographics of an area’s population. It should only take into account whether an area is of sufficient architectural and historic interest and should be preserved and enhanced. The Commercial Road corridor includes some valuable streets of Bulwell Stone and Bulwell Brick terraces. These streets are also of historic interest as they date to a key phase in the town’s expansion when the land between the town centre and the quarrying and mining area to the north west was developed to provide much needed housing.
- *“The Well Church at 1 Strelley Street and the adjoining electricity substation should be excluded from the designated area.”* The Council agrees that the Well Church and the substation are of little historic and architectural interest. These buildings have therefore been excluded from the finalised boundary proposal.
- *“The Conservation Area will restrict development freedom, stifle change and lead to additional expense in planning application fees.”* A Conservation Area is not intended to restrict development, but to manage change in a way that is sympathetic to the historic character of an area. The restrictions on development freedom for private householders, particularly of terraced properties, are relatively limited and planning application fees for home owners are modest. In the Council’s view the designation of a Conservation Area for

Bulwell will have positive benefits in stimulating the sensitive regeneration of the town. Combined with proactive management and possible grant schemes, the designation can lead to the improvement of the town's built environment over the medium to long term.

- *"The terraced houses on Filey Street should not be included; they are in poor condition and would restrict the development of the wider Shipstones Yard site."* The buildings in question are a good example of Victorian, Bulwell Stone terraced houses which retain a good proportion of their historic features. As such they are considered to be worthy of inclusion within the Conservation Area and should be seen as an opportunity to shape the redevelopment of Shipstones Yard rather than a hindrance.
- *"The Conservation Area will make it more costly for people to maintain their houses, lead to people letting their trees grow and grow and make houses harder to sell."* The inclusion of a property within a Conservation Area should have very little impact on maintenance costs for home owners. Repairs to properties are invariably permitted development meaning that roofing materials, windows and doors can all be replaced without the need for planning permission. Works to trees are controlled within Conservation Areas and owners are required to give the Council 6 weeks written notice of their intention to carry them out. This procedure is far less onerous than applying for works to trees protected by tree preservation orders. It is intended to encourage good management of trees which have a high public amenity value and contribute to the special character of the area. There is no evidence to suggest that houses in Conservation Areas are harder to sell, but studies have shown that house prices are higher on average within Conservation Areas.

4.6 In summary, the feedback received from surveys and written responses has been more positive than negative. 34 people gave positive responses and supported the designation of a Conservation Area in Bulwell. 9 had reservations or objected to the proposal. In terms of the draft boundary, 26 people supported the proposal while another 11 proposed changes to it.

5 RELEVANT POLICIES AND GUIDANCE

- 5.1 The following policies and guidance are directly relevant to the designation and management of Conservation Areas:
- National Planning Policy Framework: Section 12. Conserving and enhancing the historic environment
 - Nottingham Local Plan (2005): Paragraph 8.27 and Policies BE12: Development in Conservation Areas and BE13: Demolition in Conservation Areas
 - Nottingham Aligned Core Strategies (Publication Version June 2012): Policy 11: The Historic Environment
 - Understanding Place: Conservation Area Designation, Appraisal and Management (English Heritage, March 2011)

6 APPRAISAL

6.1 Local Authorities have a duty under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. From 'time to time' they must also review their Conservation Areas and determine whether any additional parts of their area should be designated.

6.2 Paragraph 127 of the National Planning Policy Framework states: "When

considering the designation of Conservation Areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.” The onus is therefore on the Local Authority to prove that an area is of special interest prior to designation.

- 6.3 The adopted Local Plan encourages the Council to review Conservation Areas and seek ways to preserve or enhance their character. The emerging Aligned Core Strategy (Policy 11) supports initiatives where heritage assets are conserved. The proposed designation of a Conservation Area in Bulwell accords with these policies in contributing to the unique identity of an area and its sense of place. It is felt that the area proposed for designation is of sufficient historic and architectural interest to be worthy of Conservation Area status. The designation is seen as a starting point for improving the management of the town’s built environment and is expected to provide a stimulus for investment by making the town eligible for heritage grant funding.
- 6.4 Bulwell’s history as a settlement extends back to the Anglo Saxon period (around 800 AD). A toll bridge, built at a convenient crossing point on the River Leen provided the focal point for a small trading post which was classed as a village by the time of the Domesday Book of 1086. The market established by roaming salesmen serving the needs of travellers on the road continues to trade from the same location to this day. By the 13th century the town had a church, built on the highest point in Bulwell where the current Church of St Mary the Virgin and All Souls (completed in 1851) now stands.
- 6.5 The availability of good local building materials and coal ensured that Bulwell continued to thrive during the middle ages when commercial mining and quarrying operations became well established. The distinctive magnesium limestone, now known as Bulwell Stone, was found to be durable, easy to quarry and easy to carve. Many high status buildings in the town are constructed from the stone, but it was also used extensively to construct more humble buildings such as terraced houses and boundary walls. The layer of clay that covered the stone was used for manufacturing bricks and earthenware while the easily accessible coal seams beneath it saw commercial mines established by 1500, the first in Nottinghamshire. The quarries, clay pits and coal mine, extended over an increasingly large area to the north west of the town centre and supported an ever growing population of workers. Brewing and later lace manufacturing were also important industries in the town.
- 6.6 By the nineteenth century overcrowding had become a serious concern; a steep decline in the infant mortality rate lead to rapid population growth and further housing pressure. The land scoured by quarrying to the north west of the centre was used for the construction of new terraced housing and in the 1870s and 1880s new schools and the church of St John the Divine was built to serve this new district of the town. The church and the Commercial Road/Mersey Street/Thames Street corridor are now all that remains of this stage of the town’s development following slum clearances in the 20th century.
- 6.7 The proposed boundary of the Bulwell Conservation Area encompasses the historic street layout of the town. This can roughly be divided into 5 character areas: (1) the Market Place and town centre, (2) the Commercial Road corridor, (3) Highbury Road and Station Road, (4) north Main Street and (5) Bulwell Bogs and the River Leen.

- 6.8 **1) The Market Place and town centre.** Bulwell's commercial and historic heart is focused around the Market Place and Main Street. The area is characterised by its mixture of two and three storey commercial buildings, many of which date to the mid to late 19th and early 20th centuries. They are built in a variety of architectural styles including Renaissance Revival and Edwardian Baroque most often from brick with stonework dressings. Many have retained their traditional timber sash windows and upper floor features, but the lack of surviving traditional shopfronts is a noticeable problem. Just off Main Street, the quiet residential cul-de-sac of Montague Street, with its Victorian brick terraced houses, is worthy of mention.
- 6.9 **2) The Commercial Road corridor.** This character area includes the western edge of the original settlement and the 19th century infill development that grew up between the town's centre and the quarries and mine to the north west. It includes some notable historic buildings such as Strelley House, (a remarkable example of a purpose built school dating to 1667), a late 17th century Bulwell Stone dovecote, and terraces of Bulwell Stone and brick workers houses. Before the construction of Bulwell High Road, which now defines the western limit of the town's shopping centre, this area was a vibrant commercial area. Virtually all of the former shop units have now been converted to residential use.
- 6.10 **3) Highbury Road and Station Road.** To the east of the River Leen the ground rises to the highest point of the town where the Bulwell Stone Church tower and churchyard of St Mary's act as a key focal point. Other key public buildings of townscape merit include the Old Town Hall (1894) and the former Public Library (1923), both on Highbury Road. The area also has a mixture of Victorian terraced houses, semi-detached villas, detached houses and a Pub. Most of these are built from brick with stone dressings. Bulwell stone boundary and retaining walls are a particularly noticeable characteristic of this character area, as is the number of attractive mature trees.
- 6.11 **4) North Main Street.** The section of Main Street to the north of the junction with Bulwell High Road is slightly disjointed mixture of public, residential and commercial buildings. Nevertheless it includes some fine individual buildings such as the Gothic Revival St Mary's Primary School, the Neo-Classical former Methodist Church, the former Three Crowns, Scots Grey and Framesmiths Arms Public Houses and 202 Main Street, a fine late Victorian house in Bulwell Stone. The mix of materials and architectural styles produces a varied streetscene with an eclectic character. Vacant sites are currently a noticeable problem.
- 6.12 **5) Bulwell Bogs and the River Leen.** The public park known as Bulwell Bogs has served as a place of recreation for the people of Bulwell for generations past. This attractive tree lined stretch of the River Leen sits at the heart of the town centre and includes the three bridges over the river, two of which are grade II listed. The proposed boundary of the Conservation Area extends southwards from the Bogs to incorporate the modern Bulwell Riverside Centre and the Baptist Church on Coventry Road, built of Bulwell Stone.
- 6.13 This initial assessment of the town's character demonstrates that it possesses sufficient historic and architectural interest to warrant designation as a Conservation Area. Planning Committee's comments on and endorsement of the proposal are sought, and it is intended that a report will be taken to the meeting of Executive Board in October seeking its approval. Subject to that approval being forthcoming, a detailed Conservation Area Appraisal and Management Plan will be

produced to more thoroughly describe the area's character and provide guidelines for its future maintenance and development. This document will be subject to consultation with local residents before its formal adoption.

- 6.14 The finalised boundary proposal has taken into account the responses to consultation in section 4 of this report. The Baptist Church and Riverside Centre have been added to the area while The Well Church and the neighbouring electricity substation have been excluded. A number of small changes have been made to make the boundary follow more rational boundary lines, allowing it to be more easily identified on the ground.

7 FINANCIAL IMPLICATIONS

- 7.1 There is a small cost to undertaking the necessary post decision statutory notifications; this is not expected to exceed £200 which can be contained within existing budgets.

8 LEGAL IMPLICATIONS

- 8.1 There is no legal obligation for Local Authorities to consult publicly prior to the designation of Conservation Areas. However, guidance from English Heritage (Understanding Place, Conservation Area Designation, Appraisal and Management, March 2011) establishes this as good practice.
- 8.2 Local Authorities have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to designate areas of special historic or architectural interest that are worthy of preservation or enhancement.

The principal effects of inclusion within a Conservation Area are as follows:

1. The Council is under a duty to prepare proposals to ensure the preservation or enhancement of the area.
 2. Consent must be obtained from the Council for the demolition of any building in the area.
 3. Special publicity must be given to planning applications for development in the area.
 4. In carrying out any functions under the planning Acts (and, in particular, in determining applications for planning permission), the Council and the Secretary of State are required to take into account the desirability of preserving or enhancing the character or appearance of the area.
 5. Permitted development rights for dwelling houses are subject to certain additional restrictions (the area proposed does not include any dwelling houses).
 6. Internally illuminated advertisements are subject to planning control.
 7. Six weeks' notice must be given to the Council before works are carried out to any tree in the area.
- 8.3 The local planning authority's responsibility for determining whether to designate an area as a Conservation Area is a matter for Executive Board under its terms of reference in the Council's Constitution, since it does not form part of the Policy Framework (which requires Full Council approval) and is not delegated to any specific committee or individual.

8.6 If approved by Executive Board the designation of the Bulwell Conservation Area will take effect from the date of the Board's decision.

9 EQUALITY AND DIVERSITY IMPLICATIONS

None arising from this report.

10 RISK MANAGEMENT ISSUES

None arising from this report.

11 STRATEGIC PRIORITIES

11.1 The designation of a Conservation Area in Bulwell was identified as one of five Flagship Projects to be delivered in the first year of the Nottingham Heritage Strategy.

12 CRIME AND DISORDER ACT IMPLICATIONS

None arising from this report.

13 VALUE FOR MONEY

13.1 The proposal will make the designated Conservation Area eligible for heritage funding schemes from bodies such as the Heritage Lottery Fund and Historic England.

14 HEALTH INEQUALITIES IMPLICATIONS

None arising from this report.

15 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

None

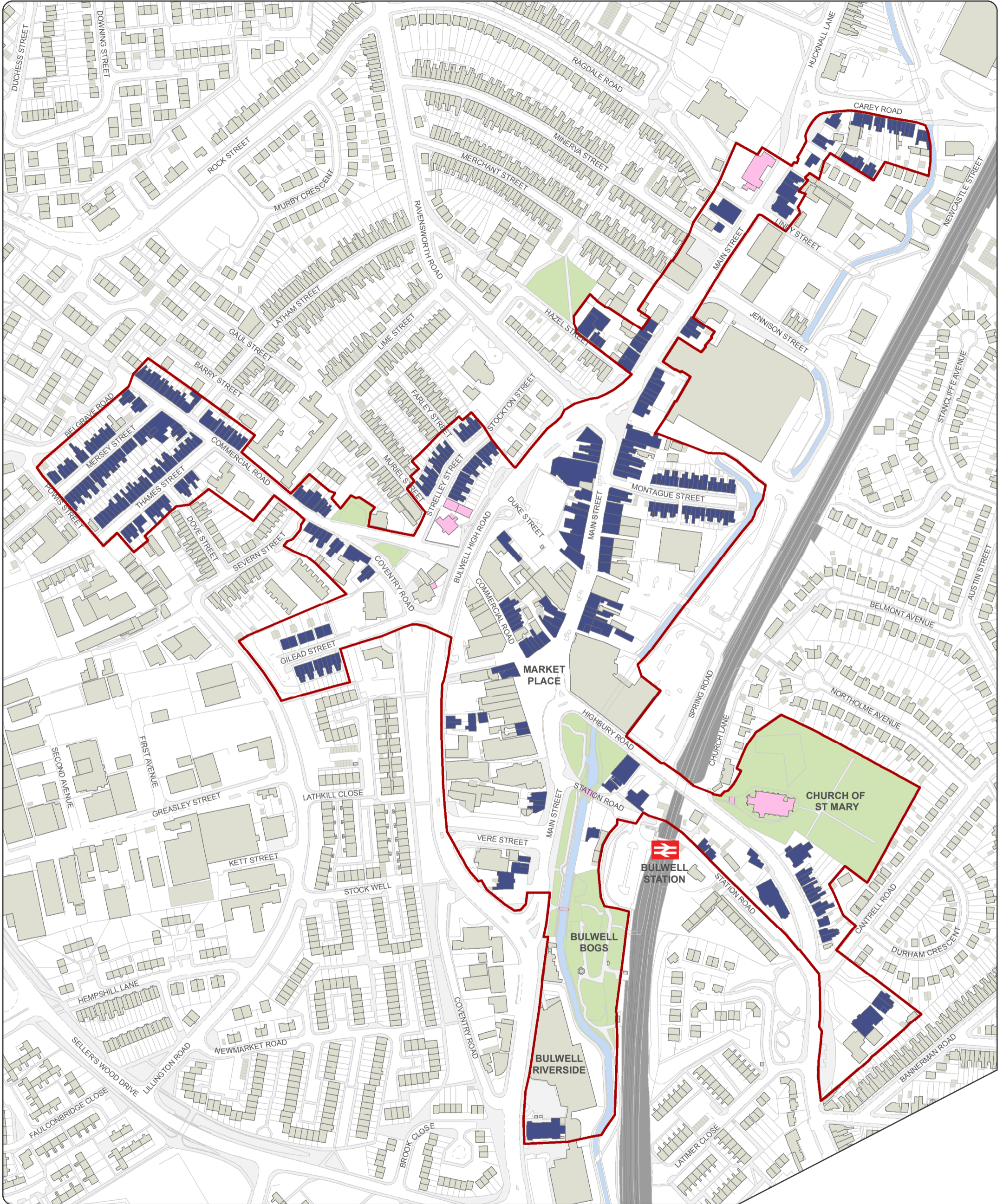
16 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT:

Nottingham Heritage Strategy (March 2015)
Understanding Place, Conservation Area Designation, Appraisal and Management (March 2011)
National Planning Policy Framework (2012)

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Draft Bulwell Conservation Area



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Key

- Proposed Conservation Area Boundary
- Grade II Listed Buildings
- Historic Buildings Pre-1914 and later buildings of architectural interest
- Open Green Space



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