



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

**Date:** Wednesday, 21 December 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 Strategy and Resources**

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

- |          |   |                |
|----------|---|----------------|
| <b>1</b> | <b>APOLOGIES FOR ABSENCE</b>                                |                |
| <b>2</b> | <b>DECLARATIONS OF INTERESTS</b>                            |                |
| <b>3</b> | <b>MINUTES</b>  | <b>3 - 8</b>   |
|          | Of the meeting held on 23 November 2016 (for confirmation)  |                |
| <b>4</b> | <b>PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER</b> |                |
| <b>a</b> | <b>Site of 16 And 18 Sneinton Dale</b>                      | <b>9 - 22</b>  |
| <b>b</b> | <b>67 Lower Parliament Street</b>                           | <b>23 - 38</b> |
| <b>c</b> | <b>Site of Mellors Court, Sullivan Close</b>                | <b>39 - 54</b> |

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

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

**NOTTINGHAM CITY COUNCIL**

**PLANNING COMMITTEE**

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 23 November 2016 from 14.30 - 15.38**

**Membership**

Present

Councillor Chris Gibson (Chair)  
Councillor Graham Chapman  
Councillor Azad Choudhry  
Councillor Michael Edwards - present for minutes 42-44 and 46-48 inclusive  
Councillor Rosemary Healy  
Councillor Gul Nawaz Khan  
Councillor Sally Longford  
Councillor Wendy Smith  
Councillor Linda Woodings  
Councillor Steve Young  
Councillor Josh Cook

Absent

Councillor Cat Arnold  
Councillor Alan Clark  
Councillor Brian Parbutt  
Councillor Malcolm Wood  
Councillor Andrew Rule

**Colleagues, partners and others in attendance:**

Paul Seddon - Chief Planner  
Rob Percival ) Area Planning Managers  
Martin Poole )  
Ann Barrett - Legal Services Team Leader  
Alice Ullathorne - Heritage Strategy Officer  
Catherine Ziane-Pryor - Governance Officer

**42 APOLOGIES FOR ABSENCE**

Councillor Cat Arnold – illness  
Councillor Alan Clark - personal  
Councillor Brian Parbutt – personal  
Councillor Andrew Rule – personal  
Councillor Malcom Wood - illness

**43 DECLARATIONS OF INTERESTS**

Councillor Michael Edwards informed the Committee that he intended to speak as a ward councillor to agenda item 4a, '8 separate parcels of land around Arkwright Walk and Blackstone Walk, Nottingham' (minute 45), and as such he would withdraw from the meeting

following his presentation and prior to and for the duration of the Committee's consideration of the application.

#### **44 MINUTES**

The minutes of the meeting held on 19 October 2016 were confirmed as a true record and signed by the Chair.

#### **45 8 SEPARATE PARCELS OF LAND AROUND ARKWRIGHT WALK AND BLACKSTONE WALK NOTTINGHAM**

Prior to the Committee's consideration of the application and with the Chair's agreement, Councillor Michael Edwards made a verbal representation in his capacity as Ward Councillor, which is summarised as follows:

At the early stages of the proposals a vision was presented that Arkwright Walk would again become an attractive pedestrian and cycle route both into the City and from the City's railway station towards the large sporting venues around Trent Bridge. With this in mind, agreement was given for some sound buildings to be demolished to enable a 'statement entrance' to be created at each end of Arkwright Walk.

It is understood that following concerns raised during consultation, design revisions have been made to the proposed design of the apartments which are intended to act as the 'statement entrance', including a variation in brick colour and lightening the appearance of the balconies. However, the design still appears very square, chunky and uninteresting with little effort to include decoration and the balcony supporting columns remaining brick squares.

Whilst the proposed design of the houses is welcomed, the Committee is asked to consider if proposed design for the apartments provides a suitably handsome appearance as a 'statement entrance' to the area.

Rob Percival, Area Planning Manager, presented application 16/01999/PFUL3 by BM3 Architects on behalf of Mr Peter Shambrook for planning permission to erect 112 new dwellings, comprising of 78 houses and 34 apartments and associated parking. The application is brought to Committee because it concerns a major development of significant local interest.

Rob Percival delivered a brief presentation which included plans, aerial and street level photographs and computer generated images (CGIs) of the current sites and how the completed elements of the application were expected to appear.

The Update Sheet provided an amended recommendation.

Councillor's comments included:

- (a) The design of the proposed houses is attractive, charming, inviting and generally welcomed;
- (b) The design of the apartment buildings is troubling and even disappointing, particularly those proposed at the Northern end of Arkwright Walk. Although the appearance of

the balconies has been slightly softened, the overall appearance is rather harsh / brutal, too stark and needs further consideration;

- (c) Consideration should be given to prevent the houses becoming Houses in Multiple Occupation (HMOs). Also that the ground floors of the three storey units should be active to prevent a barren appearance in a residential area;
- (d) It is recognised that statement buildings were requested but the proposed design of the apartments is a very different contemporary architectural language to the rest of the development;
- (e) Regarding the apartments at the northern end of Arkwright Walk, the design needs to be altered to enhance the corner of the building and better respond to this junction between Meadows Way and Arkwright Walk;
- (f) The Committee should be realistic in their design expectations with regard to land values on Arkwright Walk. However, even the latest proposals for the apartments are too 'block-like' and radical work is required to soften their appearance;
- (g) The housing CGIs indicate that there is no provision for boundary treatment beyond the planting of shrubs. This needs to be revisited and boundaries clearly identified. Shrubs require maintenance and act as an unsightly litter trap which could be a particular issue for a route that will be regularly used to access the sports grounds. Walls and railings or pillar and panel fencing should be considered as a standard requirement for all houses.

**RESOLVED to**

- (1) grant planning permission following the resolution of outstanding design issues and subject to the conditions listed in the draft decision notice at the end of the report, to include an additional condition confirming that the use of the dwellings falls within Use Class C3;**
- (2) delegate the power to determine the outstanding design issues to the Chief Planner in consultation with the Chair, Vice Chair and opposition spokesperson;**
- (3) delegate to the Chief Planner the power to determine the final details of the conditions.**

**46 CITY SEGMENT OF UNIT 2 DABELL AVENUE NOTTINGHAM**

Martin Poole, Area Planning Manager, presented application 16/01856/PFUL3 by Savills on behalf of Red Kangaroo for planning permission for change of use from B1/B2/B8 (employment) to D2 (assembly and leisure), a trampoline park.

The application is brought to Committee because if approved, the decision would result in a significant departure from the policies of the Development Plan.

Martin Poole delivered a brief presentation which included plans, aerial and street level photographs and highlighted to the Committee that this is an unusual situation where the site

straddles the administrative boundaries of Nottingham City Council and Broxtowe Borough Council.

The Committee were informed that although the site has been promoted and marketed widely as class B1/B2/B8 use, it has remained vacant for 2 years and advertised for 3. The applicant has demonstrated that no other suitable premises were available, in preferable locations, within the applicant's 'catchment area' to the North of the City. The majority of the site sits within the administrative area of Broxtowe Borough Council which has a less restrictive policy for the area and is likely to approve the separate application that has been submitted to it. There is potential for up to 52 jobs to be created by the establishment of the business.

The Update Sheet, supplied as a supplement to the agenda, provided further information and a revised recommendation to ensure that the provision of a travel plan by the applicant is enforceable.

Councillors commented as follows:

- (a) It is unfortunate that the site is not easily accessible to citizens who do not have use of a car and who rely on public transport. This excludes key areas of population from accessing the facility, restricting use to citizens with vehicles. There are suitable sites within the City, including the Meadows, which are near to town centres and can be accessed by all citizens. ;
- (b) A balance is to be considered and it would be beneficial for the building to be brought back into use and provide jobs in the area.

**RESOLVED , subject to no additional material matters being raised in response to the press notice advertising the development as a departure from the Local Plan, to:**

- (1) grant planning permission subject to the conditions listed in the draft decision notice at the end of the report, to include an amendment as follows to condition 2 to improve clarity and ensure that the provision of a travel plan is enforceable:**

**'The use hereby permitted shall not be carried on unless within 3 months of the development hereby permitted becoming operational, an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority';**

- (2) delegate the power to determine the final details of the conditions to the Chief Planner.**

Councillor Michael Edwards abstained from voting on the application.

**47 THE PICTURE WORKS 42 QUEENS ROAD NOTTINGHAM**

Rob Percival, Area Planning Manager, presented application 16/02044/PVAR3 made by Mr Anton Lang on behalf of Mr Ian Pole to remove condition 1 of planning permission reference 15/00925/PVAR3 to enable permanent use of the premises as a taxi office.

The application is brought to Committee as it is considered to be sensitive given the previous level of public interest.

The application site has been subject to two previous temporary permissions to enable the impact of the business to be assessed once the tram and station improvement works had been completed.

Councillors commented that the business has adhered to the previous permissions and there is no evidence of it causing an adverse impact in the area.

**RESOLVED to**

- (1) grant planning permission following the expiry of the consultation period and subject to no material objections being received, for the reasons set out in the report, subject to the indicative conditions substantially in the form listed in the draft decision notice at the end of the report;**
- (2) delegate the power to determine the final details of the conditions to the Chief Planner.**

**48 NOTTINGHAM LOCAL LIST CRITERIA AND SELECTION PROCESS  
PROPOSED CRITERIA FOR THE DESIGNATION OF LOCALLY LISTED  
HERITAGE ASSETS**

Alice Ullathorne, Heritage Strategy Officer, presented the report which asks the Committee to consider and approve for consultation the criteria and selection process for designating Locally Listed Heritage Assets within Nottingham and whether to invoke 'Article 4' to enable further protection.

To date, approximately 800 sites in Nottingham have been designated as heritage assets by Historic England. However, there are an estimated 530 sites which do not meet Historic England's criteria but which are locally considered to be of historic value, mainly proposed by the Civic Society.

In creating a Local List of heritage assets and invoking 'Article 4', any listed assets are not awarded any specific protection but due consideration and officer assessment of the impact on the heritage asset will be required at an early stage of planning applications as per paragraph 135 of the National Planning Policy Framework 2012.

Councillor's commented as follows:

- (a) The proposal is welcomed;
- (b) It's good to see that many other Local Authorities across the country have adopted Local Lists and the process has proved effective;

- (c) Caves, which continue to be found in the City and are of historic importance, (nearly 560 have been found to date) should be considered for inclusion on the local list.

**RESOLVED to approve:**

- (a) **the proposed Local List criteria and selection process for non-designated Heritage Assets for consultation;**
- (b) **as part of the consultation, to ask for views as to the desirability of an Article 4 direction to further protect non-designated heritage assets.**



**WARDS AFFECTED:** Dales

**Item No:**

**PLANNING COMMITTEE  
21st December 2016**

## **REPORT OF CHIEF PLANNER**

### **Site of 16 And 18, Sneinton Dale**

#### **1 SUMMARY**

Application No: 16/02063/PVAR3

Application by: rgp Ltd on behalf of Mr Aurangzeb Khan

Proposal: Erection of religious and community centre (variation of condition S1 of planning application reference 12/03117/PFUL3).

The application is brought to Committee because it proposes material amendments to a scheme previously considered by Planning Committee in March 2013 as it was sensitive given the level of public interest.

To meet the Council's Performance Targets this application should have been determined by 7th November 2016

#### **2 RECOMMENDATIONS**

##### **2.1 GRANT PLANNING PERMISSION subject to:**

a) Prior completion of a variation agreement under S106 A of the Town and Country Planning Act 1990 applying the terms of the s106 Agreement dated 24 July 2013 (concerning ceasing the use of 41 Sneinton Dale as a place of worship prior to the occupation and use of the new site) and relating to planning application reference 12/03117/PFUL3, to this application(reference 16/02063/PVAR3) , and

(b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report

Power to determine the final details of the conditions and the varied planning obligation to be delegated to the Chief Planner.

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

#### **3 BACKGROUND**

3.1 This is a cleared site on the south side of Sneinton Dale, formerly a vehicle repair garage. To the west are the side gables and rear gardens of houses on Mill View Close and to the east, facing the site, is a row of terraced houses on Dale Terrace.

These properties are separated from the site by a brick wall, a footpath and small front gardens. To the north, across Sneinton Dale, and at right angles to the road, are the terraced houses of Granby Villas. To the south are the rear gardens of houses on Castle Street. Southeast of the site is a vacant area of land, which is the site of the now demolished Lillie Terrace. Boundaries between the site and its residential neighbours to the east and west are a mixture of timber fencing and brick walls, generally in poor repair.

- 3.2 The site is within an area defined as Primarily Residential in the Local Plan and is in the Old Sneinton Conservation Area. The Sneinton Dale Local Shopping Area is approximately 150 metres to the east.
- 3.3 Planning permission (ref 12/03117/PFUL3) was granted on 12<sup>th</sup> August 2013 for the erection of a religious and community centre following demolition of an existing garage subject to conditions and completion of a Section 106 Agreement securing the cessation of use of the former site at 41 Sneinton Dale as a place of worship prior to the occupation and use of the new site pursuant to planning permission 12/03117/PFUL3. The application had been considered by Planning Committee on 20<sup>th</sup> March 2013.
- 3.4 This was followed by submission 15/00985/PSD4 of details to discharge conditions 2 (materials), 3 (hard surfacing), 4 (landscaping), 5 (arboricultural method statement), 6 (contamination) and 7 (gaseous emissions) of planning permission reference 12/03117/PFUL3, which was approved on 8<sup>th</sup> June 2015. It is considered that the development has commenced.

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

- 4.1 This application seeks to change the design of the building approved under reference 12/03117/PFUL3, by varying condition S1 of that permission to allow for the substitution of a revised set of plans. The application does not affect the principle of the approved development and use of the site as approved under Planning permission (ref 12/03117/PFUL3). The approved building was to have three storeys, being two-storey at the front, following the slope of the site and dropping to a single storey at the rear, the equivalent of basement level. Materials were brick, rain screen cladding, stained timber cladding, glazing, geometric ironwork grilles and a gold entrance feature, with a decorative, polished stainless steel feature to the northwest corner, incorporating variable lighting.
- 4.2 In scale, the new proposal maintains the building's height and proportions at the front. The upper eaves of the central pitched roof are increased by 0.3m. The rear flat roof section would be 1.1m higher than the approved building's eaves. At the back of the building, the overall footprint is reduced by omitting most of the 'basement' section. This is 'replaced' by a central triangular offshoot to the ground floor which accommodates a realigned prayer hall.
- 4.3 The front elevation has been revised in that the left hand, undercroft section has been brought forward so that it now sits 0.55m behind the right hand wall (rather than 1.5m). Also on the front elevation the ironwork grille in front of the first floor window has been omitted and replaced by patterned vinyl on the window. The gold grille above the entrance has also been omitted to allow for signage signalling the building name.
- 4.4 Proposed materials have been revised to include marble cladding at first floor;

Portland stone over the entrance; brickwork at ground floor; copper for the domes and stainless steel for the minaret. Windows are to be obscured and decorated by internal patterned vinyl.

- 4.5 The overall layout of the site remains similar, retaining the number of parking spaces at 20.

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

### **Adjoining occupiers consulted:**

Letters have been sent to the following neighbouring properties (46 in total): Flats 1-5, 2 Victoria Avenue; 1 to 5 Granby Villas; 1 to 6 Dale Terrace; 8 to 14 evens, Sneinton Dale; 35 to 41 odds Sneinton Dale; 1 to 5 Mill View Close; 3, 5, 9, 9A, 11 and 13 Castle Street; 1 Lillie Terrace; 18 Sneinton Hollows; 46 Lyndhurst Road; St Christopher's Vicarage, 180 Sneinton Boulevard; 8 Dale Street; 4 Rutland Villas; 35 Manvers Court, Manvers Street; 103 Port Arthur Road; 15 Wakefield Close, Wilford Place, Wilford; 150 Oakdale Road; 85 Sedgley Avenue. A site notice has been posted and press advert published. Further letters have been sent following the receipt of additional and revised plans and any further comments will be reported to Committee by means of an aide memoire.

Sneinton Neighbourhood Forum has expressed concern about the lack of a submitted street scene elevation. The Forum has been advised that additional plans have been submitted and again any further comments will be reported to Committee as an update.

Two letters of objection have been received, on grounds of loss of light to houses on Dale Terrace, the condition of the boundary wall between the site and Dale Terrace, the proximity to Dale Terrace of cars entering the site, and traffic and parking problems. These matters are addressed in the appraisal section of this report.

### **Additional consultation letters sent to:**

**Pollution Control:** No objection.

**Highways:** No objection.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Relevant to this application is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 126 of the NPPF (regarding heritage) notes the desirability of new development making a positive contribution to local character and distinctiveness.

### **Aligned Core Strategy:**

Policy 1: Climate Change

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 12: Local Services and Healthy Lifestyles

Policy 14: Managing Travel Demand

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

NE5 - Trees

NE9 - Pollution

NE12 - Derelict and Contaminated Land

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main Issue**

Acceptability of proposed changes to approved scheme (ACS Policies 10 and 11)

- 7.1 The proposed changes to the design and appearance of the building are considered to be acceptable in that the overall form and individual design elements remain as before. The depth of the undercroft adjacent to the entrance has been reduced with the architect expressing concern that the original setback might encourage loitering and anti-social behaviour; this change has also removed the need for bollards at the back of footway that were a part of the original scheme. The architect was also concerned that the proposed steel grilles, although decorative, would look like a security measure and be difficult to clean. The window vinyls are considered to convey a more open feel.
- 7.2 The newly proposed materials (primarily marble cladding, stone and brick) remain of a quality which is sufficiently high for this prominent conservation area site.
- 7.3 Parts of the building at the rear are proposed to be higher than previously approved, but this primarily involves changing a pitched roof to flat and is considered to be acceptable, particularly given that a further section of the building at the rear is being omitted and the lighter materials would reduce the impact. The building would remain 14m or more metres from facing houses on Mill View Close and Dale Terrace. This is further away from the houses than the former garage building.
- 7.4 Two additional windows are to be introduced into the west elevation; the drawings note that side elevation windows are to be obscured and non-opening and this can be ensured by condition. A door and window are to be introduced into the ground floor east elevation; fence screening would avoid issues of loss of privacy and louvres are to be fixed in front of the window. The triangular offshoot accommodating part of the prayer hall contains windows at an angle to the site boundaries and again these can be obscured.

- 7.5 On balance, the current proposal is considered to be acceptable in its design, impact on the Old Sneinton Conservation Area and on neighbouring properties and is therefore in accordance with Policies 10 and 11 of the Aligned Core Strategies.

## **Other Matters**

### **Planning Conditions**

- 7.6 Matters concerning use of the facility which arose in relation to the reference 12/03117/PFUL3 remain the same. A number of conditions that were imposed on the planning permission would need to be imposed on any varied permission to ensure the development remains acceptable in planning terms. These include restricting the maximum capacity of the premises to 165; the hours of operation to between 09:00hrs and 23:15hrs on any day: prayers during the Eid Festival (taking place twice per year) will start at 9:30am and then a second prayer will start at 11:00am; management of the car parking situation through a combination of green travel initiatives and the on-site management of vehicular parking during facility's peak events (Eid Festival and Friday prayers).

### **Planning Obligation**

- 7.7 The applicant has confirmed that the existing place of worship at 41 Sneinton Dale will close and cease being used for that purpose as the proposed facility is intended to replace 41 Sneinton Dale as a place of worship. Aware that the use of 41, Sneinton Dale impacted on parking in the vicinity, the applicant entered into a S106 agreement to ensure that use would not continue, once the development approved under ref 12/03117/PFUL3 was occupied and use of the new site commenced. This was deemed necessary by Committee previously to make the development acceptable in planning terms, having been satisfied that this obligation was directly related to the development and was fair and reasonable related in scale and kind to the development.
- 7.8 If planning permission were to be granted for the variation sought a variation agreement under S106 A of the Town and Country Planning Act 1990 would be recommended to apply the terms of the previous s106 Agreement to this permission and effectively ensure this necessary mitigation measure continued to apply to any varied planning permission. The current use of this premises and the cessation of its use can be balanced against the impacts of the new facility.

## **8. SUSTAINABILITY / BIODIVERSITY**

None.

## **9. FINANCIAL IMPLICATIONS**

None.

## **10. LEGAL IMPLICATIONS**

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

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham – strengthening community cohesion in neighbourhoods and providing high quality, well designed and sustainable buildings.

**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: 16/02063/PVAR3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OD4O94LYH7V00>
2. Email from resident dated 25<sup>th</sup> November 2016.
3. Email from resident dated 6<sup>th</sup> October 2016.
4. Emails from Sneinton Neighbourhood Forum October 2016.

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

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

**Contact Officer:**

Mr Phil Shaw, Case Officer, Development Management.

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# NOMAD printed map



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## Key

 City Boundary

## Description

No map description

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**My Ref:** 16/02063/PVAR3 (PP-05465248)  
**Your Ref:**  
**Contact:** Mr Phil Shaw  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
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130 New Walk  
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Date of decision:

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

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Application No: 16/02063/PVAR3 (PP-05465248)  
Application by: Mr Aurangzeb Khan  
Location: Site Of 16 And 18 , Sneinton Dale, Nottingham  
Proposal: Erection of religious and community centre (variation of condition S1 of planning application reference 12/03117/PFUL3) (revised proposals and drawings).

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

<b>Time limit</b>
. There are no conditions in this section.
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
<b>Pre-occupation conditions</b> (The conditions in this section must be complied with before the development is occupied)
1. Construction of the building shall not be commenced until details of the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  <i>Reason: To ensure that the appearance of the development is satisfactory in accordance with Policies 10 and 11 of the Aligned Core Strategies.</i>



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

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

3. The development shall not be used until the proposed access and parking spaces have been provided and surfaced with porous or permeable materials and individual spaces marked out in accordance with the approved plans and details. The surfacing materials shall be in accordance with the details submitted and approved under ref.15/00985/PDS4.

*Reason: In the interests of highway conditions in the area and in the interests of sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategies.*

4. The development shall not be used until the site has been enclosed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of the living conditions of nearby residents in accordance with Policies 10 and 11 of the Aligned Core Strategies..*

5. No part of the development hereby permitted shall be occupied until the remedial or precautionary measures required to deal with ground contamination as approved under ref.15/00985/PDS4 have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

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

6. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the remedial, preventive or precautionary measures for removing the gaseous emissions on the site approved under ref.15/00985/PDS4 have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

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

7. Before the development is brought into use, a Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall set out measures for the management of the car park during religious festivals, Friday prayers and other large events, and shall set out measures for discouraging on-street car parking within surrounding streets. The approved Strategy shall be adhered to at all times while the premises is in use.

*Reason: In the interests of the living conditions of nearby residents and the interests of highway conditions in the area in accordance with Policy 10 of the Aligned Core Strategies.*

**Regulatory/ongoing conditions**

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

8. The landscaping scheme approved under ref.15/00985/PDS4 shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policies 10 and 11 of the Aligned Core Strategies.*

9. Noise from any air handling plant installed within the development shall not exceed the following at the site boundary:  
Noise Rating NR40 between the hours of 07.00 and 23.00;  
Noise Rating NR35 between the hours of 23.00 and 07.00.

*Reason: In the interests of the living conditions of nearby residents in accordance with Policy 10 of the Aligned Core Strategies.*

10. The premises shall not be used outside the hours of 09:00 to 23:15 on any day.

*Reason: In the interests of the living conditions of nearby residents in accordance with Policy 10 of the Aligned Core Strategies.*

11. During the periods of Ramadan and Eid the number of people present on the site shall be no more than 120 and at all other times shall be no more than 80.

*Reason: In the interests of the living conditions of nearby residents and in the interests of highway conditions in the area in accordance with Policy 10 of the Aligned Core Strategies.*

**Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 12 September 2016.

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

**Informatives**

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

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

3. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

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

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

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

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)  
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)  
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.



# DRAFT ONLY

## Not for issue

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



**DRAFT ONLY**  
**Not for issue**

Continued...

## **RIGHTS OF APPEAL**

Application No: 16/02063/PVAR3 (PP-05465248)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

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**WARDS AFFECTED:** St Anns

**Item No:**

**PLANNING COMMITTEE  
21st December 2016**

**REPORT OF CHIEF PLANNER**

**67 Lower Parliament Street, Nottingham**

**1 SUMMARY**

Application No: 16/02306/PFUL3 for planning permission

Application by: Allan Joyce Architects Ltd on behalf of Nottingham Trent University

Proposal: Demolition of existing buildings and construction of new 6 storey building for education use (Class D1), with rooftop terrace and plant room.

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

To meet the Council's Performance Targets this application should be determined by 9th January 2017

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to:

The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

**3 BACKGROUND**

3.1 The application site is located at the corner of Lower Parliament Street and Convent Street and forms part of the city block of buildings that is owned by the applicant and is operated as Confetti. Confetti is a specialist creative industry education and training centre which provides graduate courses in music, gaming, TV, film, graphic design, live events and more. The site is currently occupied by a two storey flat roofed brown brick building that is used by Confetti for education and office uses. It is estimated that the building dates from around 1950. It has a corner entrance with a stone surround onto Lower Parliament Street and stone edging to the window openings at ground and first floors. There is a steel shuttered service entrance onto Convent Street.

3.2 Opposite across Convent Street is the Pryzm/former Oceana nightclub and opposite across Lower Parliament Street is the Antibo restaurant building (currently vacant) that marks the boundary of the Lace Market Conservation Area on this side of the street. Lower Parliament Street is one-way at this point towards the city

centre and Convent Street is also one way with a right-turn exit onto Lower Parliament Street.

- 3.3 The application site also falls within the boundary of the Eastside Regeneration Zone.

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

- 4.1 The applicant advises that the success of Confetti has enabled a growth in student numbers over recent years and that there is a 5-year plan for sustained growth (approximately 700 students). The existing buildings within the block are advised to be at capacity and therefore more teaching spaces and facilities are required to meet this planned growth.

- 4.2 Having reviewed the accommodation requirements for the proposals, the brief to the architect has also included the need to resolve site-wide issues, including the desire to identify the block with a 'fully-fledged' university building, to reduce the number of existing access points to one main entrance, to provide students with a better range of facilities to improve their student experience, and to make the block fully DDA compliant, with lift and ramped access links into the existing buildings.

- 4.3 Arising from this brief, the proposed development is for a 6-storey building at the corner of Lower Parliament Street and Convent Street, reducing to 5 storeys adjacent to the neighbouring building on Convent Street. The main entrance to the building would remain at the corner of Lower Parliament Street with Convent Street, giving access to a large reception space. There would be lift and stair access to the upper floors, with the first floor containing café spaces and computer suites/seminar rooms, the second floor containing a learning resource centre and computer suites/seminar rooms, and the third to fifth floors containing computer suites/seminar rooms only. The proposed building would be connected to the existing neighbouring buildings by ramps that are required to mediate between the differing levels between floors.

- 4.4 The contemporary form of the proposed building includes a significant cantilevered corner element that projects over the main entrance and footways to Lower Parliament Street and Convent Street. This element is proposed to be clad in Corten steel, which is pre-weathered steel product that has a stable rust-like appearance. This would be applied in large panels in a random arrangement across each level of the building. By contrast, the Convent Street element of the building is proposed to be constructed using a black brick. Both elements of the building would have large punched windows openings within deep reveals, including double height glazed corner elements. Perforated Corten steel mesh screens and the use of textured patterns within the black brickwork are intended to provide a further layer of interest to the elevations.

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

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

The application has been publicised by site and press notices. Individual consultation letters have also been issued to the following properties:

Prysm/Oceana, Lower Parliament Street  
50 Lower Parliament Street Nottingham  
54 - 60 Lower Parliament Street Nottingham



69 - 73 Lower Parliament Street Nottingham  
Flats 1-12 Butterworth Building, Western Street  
1 – 11 (o) Beck Street  
47 Heathcoat Street  
310 Huntingdon Street  
4, 6 - 10 Convent Street Nottingham

**Additional consultation letters sent to:**

**Pollution Control:** No objection subject to planning conditions requiring ground contamination investigation and remediation (if deemed necessary), implementation of the approved air quality management scheme, verification of implementation of approved mechanical services plant or equipment, and details of piling or other foundation designs to minimise noise and vibration effects on surrounding occupiers.

**Highways:** The principal of the building is acceptable from a highways perspective. The site is situated in a city centre location so no parking provision is acceptable. As the building has no parking any concerns regarding additional traffic generation compared to the previous use of the site are negated. The Highway concern with this proposal is the building overhang on the junction of Lower Parliament Street and Convent Street which overhangs the full width of the footway on Convent Street. The applicant has said that this issue is not of concern because Convent Street will be pedestrianised. However even a pedestrianised street has to allow access to vehicles in emergency and for servicing. A compromise position could be if the overhang was kept 1 metre away from the carriageway similar to the canopy overhangs of the nightclub on the opposite side of Convent Street.

**Drainage:** No objection. The site has a low risk from surface water flooding. Support the provision of the green roof that is proposed.

**Biodiversity:** No objection. Satisfied with the submitted bat survey, which did not find any evidence of bats.

**Archaeology:** There is particular potential for the presence of caves on the site. A Desk Based Assessment has been produced. Following demolition it will be clearer what effect previous development of the site has had upon archaeological remains. A planning condition is recommended to ensure that a programme of archaeological works take place. As a minimum this will involve an archaeological watching brief during the breaking of ground in accordance with an approved Written Scheme of Investigation.

**Design Review Panel (25.8.16):** The Panel welcomed the creation of a flagship building for Confetti, applauding the partnership work of Confetti and Nottingham Trent University in promoting the creative technology industry and the benefit this has within the city. A well-received scheme, the Panel agreed that the design approach that has been taken is right for the site, commending its aspiration and potential to create a striking new development for the city with a strong visual presence. The Panel had no concerns with the massing on Parliament Street. However, the Panel felt that the Convent Street elevation required a more polite approach, suggesting that the new building should step down a little in deference to the 3 storey building immediately adjacent, reflecting the wider context of building heights stepping up and down. In terms of other materials, the Panel reinforced the need for the use of quality materials and the inclusion of detailing as being key to

the success of the building. The suggested use of Corten steel was favourably received by the Panel, though attention needs to be given to detailed design. The opportunity to express the brand identity of Confetti in the fabric of the proposed building was welcomed by the Panel. The Panel supported the proposed pedestrianisation of Convent Street, recognising the potential to create a public space and improved setting for the proposed development.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan 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

BE16 - Archaeology

CE1 - Community Facilities

NE9 - Pollution

T2 - Local Transport Planning Conditions or Obligations

T3 - Car, Cycle and Servicing Parking

### **Aligned Core Strategies (ACS) (September 2014)**

Policy 1 - Climate Change

Policy 7 - Regeneration

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

### **Other Planning Guidance**

Nottingham City Centre Urban Design Guide (May 2009)

Eastside Regeneration Area Interim Planning Guidance (June 2004)

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

### **Main Issue**

(i) Design and heritage considerations - Whether the proposed development in terms of its use, layout, scale, massing and external appearance is appropriate to its position in the city centre, its relationship to the adjacent Lace Market Conservation Area, the Eastside Regeneration Zone, and neighbouring properties (Saved Local Plan Policy CE1, BE12 and ACS Policy 7, Policy 10).

- 7.1 This city block is owned by Nottingham Trent University and is substantially occupied by the Confetti college. In the context of its city centre location, it is considered that the replacement with a larger building of the same education use is considered to be appropriate and in accordance with Policy CE1.
- 7.2 The existing building is a relatively poor quality, small scale building that is of no particular merit to the street scene of this area of the Eastside Regeneration Zone. Its redevelopment is therefore considered as a significant opportunity to replace it with a new, purpose-designed building that will have greater presence and quality in the street scene as well as providing the needed accommodation for the improvement of existing student facilities as well as the envisaged expansion in student numbers. The provision of this comprehensively designed scheme would help maximise development potential in the Eastside regeneration Zone would therefore accord with Policy 7 of the ACS.

- 7.3 Occupying the full area of the site, the layout of the proposed building is focussed upon the provision of a prominent and legible ground floor entrance and reception space. This is to become the key entrance to the block, with lifts, ramps and stairs providing access through to the other buildings and thereby also rationalising the movement and circulation within the block. The upper floors maintain the focus of the layout upon the corner of Lower Parliament Street with Convent Street, providing a café at first floor and a learning resource centre at second floor that are able to take advantage of this position, including the proposed cantilevered projection of the building over the pavements to both street. Whilst the other teaching spaces and computer suites are located to the rear and centre of the plan, these benefit from their insular position and are provided with window openings onto courtyard spaces within the block. The primary stair core also performs as a glazed break to the west elevation onto Convent Street and other seminar rooms are also placed on this elevation to provide opportunities for further visual interest on this elevation. It is recognised that the layout of the proposed building, and particularly the integration with the other buildings in the block, has provided the architect with significant challenges. It is considered that the proposed layout is an appropriate response to those challenges as well as being one that will provide the building with an active outlook onto the street.
- 7.4 The proposed scale and massing of the building has been adapted during the pre-application stage and in particular in response to the comments of the Design Review Panel. In concurring with the support of the Panel regarding the proposed scale of the building, it is considered that this is an appropriate position for a building of greater height than its surrounding neighbours, providing it with a prominence and presence in the street scene that is appropriate to its function and to the Confetti campus block as a whole. Following the Panel's views, the massing of the building has been reduced on Convent Street to better relate to the existing buildings and, whilst the corner block has been consequently raised a storey in order to maintain the required amount of floorspace, it is considered that the design of this change has been managed without significant other consequences in relation to the impact of the proposed development. Accordingly, it is considered that the scale and mass of the proposed development is appropriate to the site, to neighbouring developments, and to the street scene of the area which includes the opposite boundary of the Lace Market Conservation Area across Lower Parliament Street.
- 7.5 The external appearance of the proposed building is intended to be deliberately striking in its contemporary design, with its randomly arranged Corten cladding, large-scale picture windows, cantilever, and contrasting black brick being a contemporary statement within the street scene of the area. This design approach has been encouraged in pre-application meetings with the applicant and has also been supported by the Design Panel. Whilst there are other good buildings within the block and area, including the Pryzm/former Oceana nightclub building, the street scene of the area remains rather fragmented with no dominant architectural style. Accordingly, it is considered that a bold contemporary approach will benefit the character of the area in providing a quality focal contemporary building.
- 7.6 Elements of the design of the building are being developed by the architect to provide further assurance that the depth of detailing and quality of finishes are assured. If not completed and available for the Planning Committee meeting, provision of these details would be secured as a condition of a planning permission.

- 7.7 It is considered that the layout, scale, massing and external appearance of the proposed development is appropriate to its position in the city centre, its relationship to the adjacent Lace Market Conservation Area, the Eastside Regeneration Zone, and neighbouring properties in accordance with Policy BE12 of the Local Plan and Policies 7 and 10 of the Aligned Core Strategies.

### **Other Material Considerations**

#### **Highways (Policies T2, T3 and Policy 10)**

- 7.8 Highways concern regarding the proposed cantilever overhang on the junction of Lower Parliament Street and Convent Street has been raised with the applicant, who has been advised that a Section 177 Licence under the Highways Act 1980 will be required. Highways state that the provisions of the granting of a license will require the structure to be maintained in good condition and that its liability will be the responsibility of the applicant. Highways recommendation that the cantilever overhang be kept 1 metre away from the carriageway has been discussed with the applicant as well as the raising of the soffit to improve the height and quality of space around the main entrance. The applicant has acknowledged these concerns but advises that the design is unable to be varied due to the DDA needs of the scheme to link through to the neighbouring buildings, and to the structural design of the building as a whole. The applicant also refers to the limited use of Convent Street as a one-way street and to their intentions regarding future pedestrianisation subject to Highways approval. The applicant has, therefore, requested acceptance of the submitted design and confirms that they are prepared to enter into the Section 177 process following consent. On this basis, it is considered that the proposed development remains in accordance with Policy 10 of the Aligned Core Strategies.
- 7.9 The application makes no provision for car parking, which is supported by Highways and recognises the sustainable city centre location of the proposed development. The application does, however, make provision for a new secure cycle store within an existing storage area off Convent Street, which is expected to be able to house 35 cycle racks. It is therefore considered that the proposed development accords with Policy T2 and T3 of the Local Plan.

#### **Pollution and Contamination (Policy NE9)**

- 7.10 Pollution Control has no objection to the proposed development subject to conditions requiring ground contamination investigation and remediation (if deemed necessary), implementation of the approved air quality management scheme, verification of implementation of approved mechanical services plant or equipment, and details of piling or other foundation designs to minimise noise and vibration effects on surrounding occupiers. These conditions have been included in the draft decision notice appended to this report and it is therefore considered that the proposed development accords with Policy NE9 of the Local Plan.

#### **Archaeology (Policy BE16)**

- 7.11 An Archaeological Desk Based Assessment has been submitted and has been reviewed by the City Archaeologist. The assessment advises that there is a medium to high potential for Medieval and Post-Medieval archaeological remains to be present and recommends that further archaeological evaluation may be required. The City Archaeologist has therefore recommended a planning condition to ensure that a programme of works involving the minimum of an archaeological watching

brief in association with the construction phase of the proposed development. Subject to this condition it is considered that the proposed development accords with Policy BE16.

## **8. SUSTAINABILITY / BIODIVERSITY**

The Biodiversity Officer is satisfied with the submitted bat survey, which did not find any evidence of bats. It is noted that the proposals include an area of green roof, which is supported by the Drainage Officer in the interests of reducing surface water run off rates. The application Design & Access Statement advises that the proposed building will meet BREEAM 'Excellent' rating and will have an Energy Performance Certificate 'A' rating. To this extent the applicant also proposes to provide 150m<sup>2</sup> of photovoltaic panels to the flat roof area of the Antenna building at the corner of Huntingdon Street and Beck Street, which is within the applicant's site ownership. The proposed development is, therefore, considered to accord with Policy 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**

The provision of DDA compliant accessible buildings.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

Great city- creating a vibrant and attractive city centre.

## **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: 16/02306/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OEPSPTLYLMB00>

2. City Archaeologist, 24.10.16, 5.12.16

3. Drainage, 27.10.16

4. Biodiversity, 2.11.16

5. Pollution Control, 7.11.16
6. Highways, 18.11.16
7. Design Review Panel, 25.8.16

**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)  
Eastside Regeneration Area Interim Planning Guidance (June 2004)

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.  
Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

# NOMAD printed map





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## Key

-  City Boundary
-  Planning Application Polygons

## Description

No map description



**My Ref:** 16/02306/PFUL3 (PP-05492293)  
**Your Ref:**  
**Contact:** Mr Jim Rae  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
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**Tel:** 0115 8764447  
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Allan Joyce Architects Ltd  
Mr Toby Evison  
16-20 Bath Street  
Nottingham  
NG1 1DF  
United Kingdom

Date of decision:

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

---

Application No: 16/02306/PFUL3 (PP-05492293)  
Application by: Nottingham Trent University  
Location: 67 Lower Parliament Street, Nottingham, NG1 3BB  
Proposal: Demolition of existing buildings and construction of new 6 storey building for education use (Class D1), with rooftop terrace and plant room.

---

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. Other than the demolition of the existing building to ground level, no development shall commence until a programme of archaeological works involving the minimum of an archaeological watching brief has first been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with BE16 of the Nottingham Local Plan.*



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

**DRAFT ONLY**  
**Not for issue**

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Continued...

3. Other than the demolition of the existing building, no development shall commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
    - i) all previous site uses
    - ii) the nature and extent of potential contaminants associated with those uses
    - iii) the underlying geology of the site
    - iv) a conceptual model of the site indicating sources, pathways and receptors
    - v) potentially unacceptable risks arising from ground contamination at the site.
  - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
  - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

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

4. No above ground development shall commence until large-scale elevation and section drawings to confirm the detailed design of the building (e.g. scale 1:50 and/or 1:20) have been submitted to and approved in writing by the Local Planning Authority. The submission shall incorporate details of all elevations, including Corten cladding and mesh screens; glazing systems and reveals; brickwork textures; entrance doors; and parapet balustrade. The development shall thereafter be implemented in accordance with the approved details.

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

5. Other than the demolition of the existing building, development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

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

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

6. No above ground 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 by the Local Planning Authority in writing before any above



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

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

**Pre-occupation conditions**

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

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

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

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

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

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

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

10. The approved development shall not be first used until further details of the design of the approved green roof or details of an alternative equivalent SUDS feature has been submitted to and approved by the Local Planning Authority. The approved details shall also be implemented before the approved development is first used.

*Reason: In the interest of ensuring the incorporation of this sustainable feature within the approved development and to minimise the risk of flooding in the area in accordance with Policy 1 of the Aligned Core Strategies.*

11. The approved development shall not be first brought into use unless the approved secured cycle parking provision has been implemented and is also available for use by users of the approved development.

In order to ensure that the secure cycle parking is provided and in accordance with Policies T2 and T3 of the Nottingham Local Plan.

**Regulatory/ongoing conditions**

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



There are no conditions in this section.

### **Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 10 October 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. Highways**

o Structures over the public Highway (Section 177 of the Highways Act of 1980)

Planning consent is not consent to construct structures overhanging the public highway. To carry out such works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 177 Licence and you should contact Highway Design on 0115 876 5277 to instigate the process.

The provisions of the licence shall include requiring the structure to be maintained in good condition, its removal as required by Nottingham City Council as local Highway Authority and its liability to be the responsibility of the Applicant.

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 construct over the Highway before it is complete. All associated costs will be borne by the developer.

o Construction Works

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 at [highway.agreements@nottinghamcity.gov.uk](mailto:highway.agreements@nottinghamcity.gov.uk) to ensure all necessary licences and permissions are in place.

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

### **4. Contaminated Land**

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures

for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:

- Any 'Cut and fill' operations on site
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

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: 16/02306/PFUL3 (PP-05492293)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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# **DRAFT ONLY**

## **Not for issue**

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**WARDS AFFECTED:** St Anns

**Item No:**

**PLANNING COMMITTEE  
21st December 2016**

**REPORT OF CHIEF PLANNER**

**Site Of Mellors Court, Sullivan Close**

**1 SUMMARY**

Application No: 16/01616/PFUL3 for planning permission

Application by: Pelham Architects on behalf of Nottingham Community Housing Association

Proposal: 26 New dwellings and associated works.

The application is brought to Committee because it is a major application recommended for approval, but where planning obligations required by adopted planning policies are proposed to be waived.

To meet the Council's Performance Targets this application should have been determined by 18th November 2016

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to:

The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

**3 BACKGROUND**

- 3.1 The application site is currently a cleared vacant site, having formerly been the Mellors Court Residential Care Home. The site is located at the junction of Marmion Road with Thorneywood Rise and Sullivan Close. Previous general access to the site was from Sullivan Close, with a secondary access off Marmion Road.
- 3.2 The site is generally level but then falls by several metres to the east onto Marmion Road. The area of this fall is substantially covered with trees and other vegetation, which forms a dense green boundary to the Marmion Road edge of the site. There is a more moderate increase in levels to the west between the site and the adjacent properties of Walton Mews, Sullivan Close and Thorneywood Rise.
- 3.3 The surrounding area to the site is entirely residential in character, having a mix of generally two storey house types. It is designated as a 'Primarily Residential Area' in the Local Plan.



## **4 DETAILS OF THE PROPOSAL**

- 4.1 The application proposes the redevelopment of the site with 22 two storey, two and three bedroom terraced dwellings, and a two storey block of 4 flats at the entrance of the site. The main access would remain at the existing point off Sullivan Close, being modified to suit the standard for the proposed residential use with a shared surface route in block paving. The existing secondary access off Marmion Road would be reinstated with a footpath and landscaping.
- 4.2 The layout of the dwellings would be as a short cul-de-sac of terraced dwellings arranged either side of a central spine road, leading to a further terrace of dwellings and turning head at the end of the road. The dwellings would each have a single parking space to the front, also with landscaping and boundary railings. There would be garden spaces to the rear, with passageway access also being provided through the terrace to the front.
- 4.3 The elevations of the dwellings are described to 'combine traditional forms and modern detailing'. The external walls are to be in a red brick with some panels of render, composite horizontal plank cladding, and reconstituted stone projecting string courses, window cills and heads.

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

### **Adjoining occupiers consulted:**

1, 14 - 16 Len Maynard Court  
1 - 4 Porters Walk  
1 Gilbert Gardens  
1 - 9 Sullivan Close  
1 - 4 Walton Mews, Sullivan Close  
2, 16, 18, 20, 20A, 59, 59A Thorneywood Rise

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

One response has been received, which refers to how construction works may impact upon sleep due to night shift work of this neighbour.

### **Additional consultation letters sent to:**

**Pollution Control:** No objection. The proposed development is on land which potentially could be contaminated. Recommend planning conditions relating to contamination remediation and verification. Recommend that the development includes an electric vehicle charging scheme.

**Highways:** No objection. Satisfied that the submitted revised layout plan addresses the highway issues that have been raised. A Section 278 Agreement with the Highway Authority will be required to facilitate the proposed access arrangements.

**Drainage:** No objection. Satisfied with the details of the proposed scheme for the drainage of the site.

**Biodiversity:** No objection. Recommend that hedgehog-friendly fencing is installed.



## **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 relevant policies of the development plan, which are set out below, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed as long as it is not of high environmental value.
- 6.6 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

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

ST1 - Sustainable Communities.

H2 - Density.

H5 - Affordable Housing.

NE5 - Trees.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

## **Aligned Core Strategies (September 2014)**

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 17: Biodiversity

Policy 19: Developer Contributions

### **Other Planning Guidance**

Affordable Housing and Developer Contributions - Supplementary Planning Guidance

Provision of Local Open Space in New Residential Development Supplementary Planning Guidance

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

### **Main Issues**

- (i) Principle of Development
- (ii) Layout and Design
- (iii) Planning Obligation Waiver

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

- 7.1 The former use of the site was as a residential care home, prior to its demolition. The site falls within a 'Primarily Residential Area' in the Local Plan and as such the principal of its redevelopment for residential use is to be supported. The proposed mix of predominantly two and three bed terraced family dwellings, and a two storey block of four flats is considered to be compatible with the characteristics of the site and its surroundings, with the overall density of around 52 dwellings per hectare being acceptable. The proposed development would have good access to public transport and services. It is therefore considered that the proposed development accords with Policies ST1, H2 and Policy 8.

#### **Issue ii) Layout and Design (Policy T3 and Policy 10)**

- 7.2 It is considered that the proposed layout demonstrates that the density of the development is appropriate to the area and that it would provide a range of family sized dwellings. The layout of the proposed dwellings would be off a central spine road, which allows for the development to be inward looking and would provide a safe, secure, and accessible environment for residents. Separation distances between the proposed properties and those nearest neighbours on Sullivan Close and Thorneywood Rise are considered to be appropriate and no comments have been received from those neighbours in relation to the proposed layout or design of the development.

- 7.3 The use of a shared surface finish to the road and rational provision of car parking spaces to the fronts of the dwellings will minimise the impact of the access road upon the quality of the layout. The proposed number of car parking spaces is limited to one per dwelling, which is considered to be appropriate to the scheme and area in accordance with Policy T3, with bus routes also being nearby on Carlton Road.
- 7.4 Whilst being modest in their form, the design of the proposed dwellings is considered to be well mannered with their consistent appearance helping to provide an identity to the development. The front elevations are provided with the primary elements of detail and, when combined with the proposed frontage landscaping and railings, are considered to provide the development with a successful street scene. The careful selection of facing brick, roof tiles, and block paving will be important in order to achieve the desired outcome. Subject to conditions relating to those details, it is considered that the proposed development accords with Policy 10.

**Issue iii) Planning Obligation Waiver** (Policies ST1, H5, R2 and Policy 8 and Policy 19)

- 7.5 It is advised that the proposed development will comprise of a mix of rented and shared ownership properties. The applicant advises that the scheme has been allocated funding by the Homes and Communities Agency who require registered providers to charge affordable rents, which are 80% of the market rent (to include any service charge). Registered provider recycled grant is also to be used, with the remaining costs to be funded via a loan serviced through the rental charge.
- 7.6 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 would require the provision of 5 on-site affordable dwellings and commuted sum payments that have been calculated as (i) Open space – £20,837.22, and (ii) Education - £47,036. The total commuted sum contribution would be £67,873.22. The viability appraisal advises that the proposed development produces a negative figure even after Homes and Communities Agency grant subsidy has been applied. This has been reviewed by the Council's qualified surveyor, who advises that it can be accepted as reasonable, justifying the waiving of the planning obligations.

**Other Material Considerations**

**Pollution and Contamination** (Policy NE9)

- 7.7 Pollution Control has no objection to the proposed development subject to planning conditions relating to contamination remediation and verification, which are included in the draft decision notice appended to this report. The concern of the neighbour in relation to noise disturbance during daytime construction is noted, although this is a matter that is regulated separately through pollution control legislation. It is therefore considered that the proposed development accords with Policy NE9.

**Flood Risk and Drainage** (Policy NE10, Policy 1)

- 7.8 The Drainage Team advise that the applicant's submitted drainage details are satisfactory and accord with Policies NE10 and 1.

**8. SUSTAINABILITY / BIODIVERSITY (Policy NE5 and Policies 1 and 17)**

- 8.1 The applicant advises that the houses will be highly insulated, with a fabric first approach being used to minimise energy consumption, thereby improving the sustainability of the development. The future potential of the use of PV panels on the roof is also noted and are to be provided if required to meet Building Regulations.
- 8.2 The Biodiversity Officer is satisfied with the submitted habitat survey and the recommendation in relation to hedgehog-friendly fencing is recorded as an advisory note on the draft planning permission. The retention, supplementation and management of the existing trees and dense vegetation onto Marmion Road is recognised and supported.

**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**

Great city- delivering quality housing for all.

**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: 16/01616/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OAJUOGLYI3P00>

2. Neighbour, 10.9.16
3. Biodiversity, 12.9.16
4. Pollution Control, 27.9.16
5. Drainage, 20.10.16
6. Highways, 24.11.16

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

Nottingham Local Plan (November 2005)

Aligned Core Strategies (2014)

Affordable Housing and Developer Contributions - Supplementary Planning Guidance

Provision of Local Open Space in New Residential Development Supplementary Planning Guidance

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

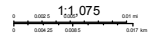
Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

# NOMAD printed map



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## Key

 City Boundary

## Description

No map description

**My Ref:** 16/01616/PFUL3 (PP-05193580)  
**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

Pelham Architects  
Mr Darron Waldram  
12/14 Pelham Road  
Nottingham  
NG5 1AP  
United Kingdom

Date of decision:

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

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Application No: 16/01616/PFUL3 (PP-05193580)  
Application by: Nottingham Community Housing Association  
Location: Site Of Mellors Court, Sullivan Close, Nottingham  
Proposal: 26 New dwellings and associated works.

---

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

**Time limit**

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

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

**Pre-commencement conditions**

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



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Continued...

2. Prior to the commencement of the development, a Remediation Strategy based on the Phase I Desk Study & Phase II Geo Environmental Site Assessment carried out by Met Engineers (Ref 13375/5040 August 16 Rev A & 13375/5040 October 16) which includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

- a) Results of gas monitoring programme.
- b) A Remediation Plan, based on a) and phase I & II reports, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

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

3. The development shall not be commenced until details of all external materials including cladding, bricks and tiles have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

5. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, no above ground development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

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

**Pre-occupation conditions**

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



6. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.
- Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.*
7. No part of the development hereby permitted shall be occupied until the approved vehicular and pedestrian access road has been implemented. These areas shall be retained for the life of the development.
- Reason: In the interests of general highway safety and in accordance with Policy 10 of the Aligned Core Strategies.*
8. The approved development shall not be occupied unless the approved drainage scheme has been implemented in accordance with the details that are approved as part of this consent.
- Reason : In the interests of sustainable development and to reduce flood risk to third party properties in accordance with Policy NE10 of the Nottingham Local Plan.*
9. No residential unit shall be occupied until arrangements for the future maintenance and management of the communal landscaped areas, including the area between the rear of Plots 05-12 and Marmion Road, have been submitted to and approved by the Local Planning Authority. Thereafter the approved arrangements shall be implemented at all times unless varied with the further written consent of the Local Planning Authority.
- Reason: In order to ensure the on-going management and maintenance of these areas within the approved development in the interests of the residential amenity of future occupants of the dwellings in accordance with Policy 10 of the Aligned Core Strategy.*
10. No individual dwelling shall be occupied until the parking provision for that dwelling has been completed and is available for use.
- Reason: In the interests of the amenity of occupants of the development and in accordance with Policy T3 of the Nottingham Local Plan.*
11. No dwelling shall be occupied until the redundant access to the site from Marmion Road has been reinstated to a footway and landscaped verge.
- Reason: In the interests of pedestrian and general highway safety in accordance with Policy 10 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.*
12. No individual dwelling shall be occupied until the boundary enclosure associated with that dwelling has been completed in accordance with approved details.
- Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategy.*

### **Regulatory/ongoing conditions**

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

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

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

### **Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
As listed on Drawing Issue Sheet reference 2232, received 2 December 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. Speed Limit Order**

If the new road is to be adopted, the adjacent 20mph Speed Limit Order will need to be amended to incorporate the new section of road. If this work is not undertaken the new road would become a 30mph speed limit by way of street lighting. Not only would this be contrary to the council objective of introducing 20mph speed limits on residential roads, but it would also necessitate additional speed limit terminal signing.

The Authority currently estimates the cost of a Speed Limit Order at £6,000. Any required repeater signing on the new length of road should be provided and installed by the developer.

### **4. Section 278 Agreement**

The works to facilitate the new vehicular access point on Sullivan Road would be subject to a Section 278 Agreement.

Planning consent is not consent to work on the highway. To carry out the off site works to create the new vehicular access off Sullivan Close associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278

Agreement and you should contact Highways Network Management at [highway.agreements@nottinghamcity.gov.uk](mailto:highway.agreements@nottinghamcity.gov.uk) to instigate the process.

It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

## 5. Section 38 Agreement

If the developer wishes to have the completed road on their development maintained by Nottingham City Council as Local Highway Authority may, prior to the start of the development; enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. Completion of a Section 38 Agreement is not mandatory but Nottingham City Council does operate the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980)) whereby, following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage of that dwelling. The process (which is mandatory) can tie-up a considerable amount of developers' capital and accordingly, the completion of a Section 38 Agreement is the approach preferred by the majority of developers.

The existence of a Section 38 Agreement and Bond is revealed on Local Land Charges Searches and prospective purchasers should be aware that in the absence of a Section 38 Agreement and Bond, they may be at risk of payment of Road Charges in the event that the road abutting the property is not completed. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management at [highway.agreements@nottinghamcity.gov.uk](mailto:highway.agreements@nottinghamcity.gov.uk) in the first instance.

## 6. Contaminated Land, Ground Gas & Groundwater

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

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

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the

site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

### **7. Electric Vehicle Charging Points**

It is recommended that the each dwelling is provided with electric vehicle charging point. A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

### **8. Hedgehog-Friendly Fencing**

It is requested that hedgehog-friendly fencing is used to the garden boundaries of the approved development. This is a simple as leaving a 15cm gap beneath timber fencing between the ground and the bottom of the fence panels, or if this is not possible, then having holes measuring 15cm x 15cm in the corner of each fence so that hedgehog can pass safely and easily between the back gardens.

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: 16/01616/PFUL3 (PP-05193580)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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# **DRAFT ONLY**

## **Not for issue**

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