



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

**Date:** Wednesday, 22 February 2017

**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 - 10</b>   |
|          | Of the meeting held on 18 January 2017 (for confirmation)   |                 |
| <b>4</b> | <b>PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER</b> |                 |
| <b>a</b> | <b>SITE OF TRENT WORKS, WILFORD CRESCENT EAST</b>           | <b>11 - 34</b>  |
| <b>b</b> | <b>MUNDELLA CENTRE, GREEN STREET</b>                        | <b>35 - 48</b>  |
| <b>c</b> | <b>DEPOT EAST OF TRENT BASIN, TRENT LANE</b>                | <b>49 - 56</b>  |
| <b>d</b> | <b>GATE HOUSE, 73 HOUNDS GATE</b>                           | <b>57 - 70</b>  |
| <b>e</b> | <b>2 PRIVATE ROAD, NOTTINGHAM</b>                           | <b>71 - 92</b>  |
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IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

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**NOTTINGHAM CITY COUNCIL**

**PLANNING COMMITTEE**

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 18 January 2017 from 14.30 - 16.45**

**Membership**

Present

Councillor Chris Gibson (Chair)  
Councillor Cat Arnold (Vice Chair)  
Councillor Graham Chapman  
Councillor Alan Clark  
Councillor Michael Edwards  
Councillor Rosemary Healy  
Councillor Gul Nawaz Khan  
Councillor Sally Longford  
Councillor Brian Parbutt  
Councillor Wendy Smith  
Councillor Malcolm Wood  
Councillor Linda Woodings  
Councillor Andrew Rule  
Councillor Josh Cook

Absent

Councillor Azad Choudhry  
Councillor Steve Young

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

Richard Bines - Solicitor  
Rob Percival ) Area Planning Manager  
Marin Poole )  
Caroline Nash - Traffic Service and Delivery Service Manager  
Lisa Guest - Principal Officer Highway Programmes Development Control  
Catherine Ziane-Pryor - Governance Officer

**55 APOLOGIES FOR ABSENCE**

Councillor Steve Young – ill health

**56 DECLARATIONS OF INTERESTS**

None.

**57 MINUTES**

Subject to including the apologies for Councillor Gul Khan as leave, the minutes of the meeting held on 21 December 2016 were confirmed and signed by the Chair.

**58 SITE OF FORMER HICKING PENTECOST AND COMPANY, LAND BETWEEN CROCUS STREET, SUMMER LEYS LANE, AND EUGENE STREET,**

Rob Percival, Area Planning Manager, presented application 16/02688/PVAR3 by Jake Crompton on behalf of Cassidy Group Property Ltd for variation of conditions 2, 14 and 15 of 10/01814/PFUL3 (APP/Q3060/A/11/2143439) (design changes and flood risk).

The application is brought to Committee because the planning obligation proposed is substantially less than required by current adopted planning policies.

The Committee were informed that planning permission had previously been granted on appeal and therefore the scheme in its entirety was not eligible for the consideration of the Committee, only matters subject to the conditions proposed to be varied, as set out within the report and Update Sheet.

Rob Percival delivered a brief presentation which illustrated, with Computer Generated Images (CGIs) of street and elevated views, the appearance and lay out of both the formerly agreed application, and the revised application, with different brick colour options. Plans of each application were also presented.

By varying the conditions in question, the revised scheme proposed the following changes to the previously approved development:

- variations of brick colours (including an option for red or buff bricks for the main body of the building);
- textured and recessed brick work;
- the replacement of the ground floor live/work units with street entry apartments;
- a small building proposed for the northern end of the site is omitted;
- the revised mix of accommodation is proposed as 179 x 1 bed units, 87 x 2 bed 3 person units, and 84 x 2 bed 4 person units;
- changes to the parking arrangements, including removal of the basement car park;
- improved storage facilities cycle provision and landscaping.

Further information regarding amendments to the proposal following a revised flood risk assessment is included within the update sheet along with a revised recommendation.

A further recommendation was proposed to include a condition for 'management and maintenance arrangements for all the landscaped areas and features will be implemented at all times'.

It was noted that the proposed Section 106 contribution is in line with the previously agreed contribution on appeal but does not meet the current planning obligation requirements following changes in the law brought about by the Community Infrastructure Regulations as to the purposes for which Section 106 obligations can be required .

Members of the Committee commented as follows:

- (a) one of the residents of a neighbouring property had commented that the building would cast a shadow on their home. It should be emphasised for the benefit of

objectors that the Committee is unable to consider issues beyond the revisions to conditions as presented within this current application;

- (b) the change of style and finish should be welcomed as much improved on that of the 2005/2011 application;
- (c) materialist would be beneficial for the Committee to consider details of the proposed materials;
- (d) purely from the CGIs, the red brick option is more attractive and in keeping with the neighbouring buildings and surrounding area;
- (e) the addition of the 4 electric vehicle charging points is welcomed;
- (f) the differing size of space to the front of the ground floor apartments was queried although it is recognised that the building footprint does not sit within a regular site boundary;
- (g) care must be taken with the 'living wall' to ensure it succeeds on a north facing, shaded wall and that consideration is given to the surfaces behind the living wall in case it does not prove viable;
- (h) further development in this area is to be expected but community consideration should be given as how to ensure that residents of these new buildings can easily identify and engage with the Meadows communities and not be made to feel that they are an add on to the City Centre. Including local historical reference, possibly the locally famous crocus flowers, could be considered;
- (i) further clarity of detail is required with regard to brick colour and quality (as opposed to purely CGI indications), the view of the building from London Road, the changing character of Crocus Street and the lighting for ground floor apartment entrances;
- (j) the building appears plain and requires more detail, particularly at the corner of Crocus Street and Summer Leys Lane;
- (k) although an additional condition regarding landscaping maintenance is proposed, careful consideration should be given to the use of hedging which can act as a litter trap and become unsightly;
- (l) further detail is required on why the Section 106 contributions do not meet the current policy requirements and proper consideration needs to be given to whether this significant difference should be accepted. Previously the Committee has requested that viability appraisals be assessed by the District Valuer to determine the projected value and enable a realistic gauge of potential Section 106 contribution. This process should be considered for this application as property values have increased significantly since 2011 and the City Council will be losing significant resources.

Rob Percival responded:

- (m) although the space to the front of the ground floor apartments varies, even the smallest space can be considered as valuable 'defendable space' which provides distance between people walking on the street and property windows;
- (n) the living wall is proposed to cover the end brick surfaces of the three building faces of the north elevation and the proposed condition regarding management and maintenance of all landscape areas and features will ensure that the living wall is appropriately maintained;
- (o) further details, including the brick specifications, are yet to be agreed, but an indication from the Committee on the preferred brick colour is welcomed;
- (p) the site is not flat and as such, having regard to the flood risk assessment, some of the ground floor apartment entrances are raised from street level either by steps or a short ramp. Should flood water reach the building in the 1/1000 event of a flood on this site, resilience measures will be in place for the building. It is noted that the Environment Agency have retained their request for finished floor levels to be set higher level proposed to be addressed through a combination of raised floor levels and flood resilience measures. However, this would result in a difficult relationship between the building and pavement level. Given the package of flood mitigation measures proposed, the fact that the building is in flood zone 2 and that the threat of flood waters would be in a scenario were the recent constructed flood defences would be breached, the proposed approach to flood risk is considered to be acceptable;
- (q) Since the previous permission for this site, the legislation regarding Section 106 contributions has changed. Whilst the original application required a contribution of £520,000, if a fresh application for an entirely new scheme was submitted at this time, the contribution would be within the region of £2,700 000. However, this is not a new application for full planning permission. Furthermore when the current owner and developer acquired the site from the receiver, only the initial Section 106 contribution was accounted for, given that it related an existent permission. The developer can legitimately proceed with the formerly approved scheme without any of the beneficial amendments proposed and regardless of the outcome of a District Valuer assessment. This is not a new application and as the substantive design of the proposal has not changed, a revised Section 106 assessment of the amount of the obligations cannot be justified.

## **59 EXCLUSION OF THE PUBLIC**

**RESOLVED, under the Local Government Act 1972 s100A (4) and (5), s100I and Schedule 12A, the Committee determined to exclude the public during part of discussion of the item satisfied that because the nature of the discussion concerning the Section 106 of the Town and Country Planning Act 1990 obligation, if members of the public were present there would be disclosure of exempt information, namely information in respect of which legal professional privilege could be maintained in any legal proceedings and that there was a greater public interest in maintaining the exemption than in disclosing the information , as it would enable free, open and frank discussion and advice that might otherwise be impeded if the discussion were not confidential.**

**60 RE-ADMITTANCE OF THE PUBLIC**

**61 SITE OF FORMER HICKING PENTECOST AND COMPANY, LAND BETWEEN CROCUS STREET, SUMMER LEYS LANE, AND EUGENE STREET (CONTINUATION)**

**RESOLVED**

- (1) to grant planning permission subject to:**
- (a) prior completion of a Section 106 planning agreement, which shall include contributions of:**
    - (i) 389,792 towards affordable housing,**
    - (ii) £45,760 towards public open space and**
    - (iii) £84,448 towards education;**
  - (b) completion of a deed of discharge under S106A of the Town and Country Planning Act 1990 of the S106 obligation in relation to planning permission 10/010814/ PFUL3 (APP/Q3060/A/11/2143439), on completion/occupation of the development subject to planning permission 16/02688/PVAR3;**
  - (c) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report and within the Update Sheet, to include:**
    - (i) management and maintenance arrangements for all the landscaped areas and features will be implemented at all times;**
    - (ii) the internal finished floor levels of dwellings shall be no lower than 25.40m AOD with flood resilience measures to 26.00m AOD in accordance with details to be submitted to and approved in writing by the Local Planning Authority;**
  - (d) the power to determine the final details of the conditions to be delegated to the Chief Planner, and with regard to the external details, shall be in consultation with the Chair, Vice-Chair and Opposition Spokesperson;**
- (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;**
  - (c) fairly and reasonably related in scale and kind to the development;**
- (3) that Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations**

**according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010;**

- (4) to ensure clarity and consistency, that a report is submitted to Executive Board to determine the Council's approach to Section 106 negotiations and setting out the circumstances where external advice is to be taken, including from the District Valuer.**

## **62 2 PRIVATE ROAD**

Martin Poole, Area Planning Manager, presented application 16/02151/PFUL3 by Mr Andrew Pike for planning permission to erect a single storey side extension and increase the number of child places at the day nursery from 47 to 62.

The application is brought to Committee because it has generated significant public interest that is contrary to officer recommendation.

Martin Poole, Area Planning Manager, delivered a brief presentation which included a plan of the site as it is and with the proposed extension, including parking facilities, and street views of the site from Mansfield Road and different approaches to the property entrance on Private Road.

Further information, including correspondence from objectors and a proposed revision of a condition, is included within the Update Sheet.

Objections to the application are summarised in the report and added to within the Update Sheet and primarily focus on the unwelcome additional use of the road if the application were to succeed, including increased safety and access concerns at the junction of Private Road and Mansfield Road, and the potential impact on the conservation area and fabric of the road.

Private Road is not an adopted route and therefore the City Council does not have the same powers or obligations which are applied to adopted roads. However, there are mechanisms by which residents/owners of properties on Private Road could arrange for independent restrictions, including parking and waiting.

Resident objections, including points raised in a letter from the Chairman of the Private Road Members Association, are acknowledged, however, following a thorough assessment by Planning, Highway and Road Safety Officers, the conclusion is that if successful, the application:

- (i) will not fundamentally change the character of the conservation area, even if a portion of the boundary wall were to be removed to improve access to the site;
- (ii) provides an appropriate amount of parking spaces in excess of those required by the Emerging Local Plan;
- (iii) would not have any significant impact on road safety and no adverse concerns were identified following the same assessment that is undertaken on adopted roads;



- (iv) would not result in any significant impact on the condition of the road as a result of increased traffic;

Further points included:

- (v) the City Council does not have authority to implement traffic regulation or parking orders on non-adopted roads;
- (vi) although not adopted, public access rights are likely to have already been established, furthermore reasonable access rights of owners are likely to provide a defence to any proceedings under Section 34 of the Road Traffic Act 1988;
- (vii) the owners/residents of properties on Private Road have a right of access, as do their visitors;
- (viii) the condition regarding car-park layout is proposed to be amended, as set out in the Update Sheet;
- (ix) there is enough space in the car park for refuse bins to be sited to the rear of the property so they could be collected within the property;
- (x) Highways and Road Safety Officers seek the opinion of the Fire and Rescue Services regarding any potential emergency access issues, but as this is a non-adopted road, it is suggested that residents may wish to make this approach independently. However, if necessary emergency vehicles will force a path and damage vehicles blocking their route if attending an emergency;
- (xi) the 'blind' junction arrangement where drivers cannot see traffic approaching on the other road, is now commonly used in modern developments as a preferred safety measure as it ensures that drivers slow on approaching the junction.

Members of the Committee commented:

- (a) the safety and access concerns of residents are noted, particularly with regard to people parking on Private Road pavements, but Highways and Road Safety have not identified any specific safety issues;
- (b) there is an indication that many parents who are dropping off children park across the road and walk children to the nursery, but no evidence, such as photographs, has been provided but would be helpful for the Committee's consideration;
- (c) residents' concerns are acknowledged as it is recognised that this is a narrow road with very limited passing points and few opportunities for vehicles to turn;
- (d) if the resident's group could provide key times of the busiest nursery traffic, it would be beneficial for Committee members to independently observe traffic activity around the nursery before further considering the application;
- (e) if consideration is to be deferred pending informal site visits, it would be helpful if the applicant and members of the residents' group liaised to seek a solution. A

compromise on the number of child places has already been made by the applicant so it would be helpful if both parties communicated;

- (f) it would be sensible to defer the decision until members of the Committee are able to witness traffic activity at times that objectors to the application feel are most congested.

It is noted that whilst the application property and residencies of objectors are sited within Councillor Brian Parbutt's ward of Sherwood, to avoid any conflict of interest, fellow Ward Councillor, Councillor Alex Ball, has dealt with all correspondence in this matter and Councillor Parbutt has not been involved in any correspondence with any party regarding this application.

**RESOLVED to defer further consideration on the application until the February meeting of the Committee, to enable members of the Committee to independently consider the busiest traffic activity periods around the nursery.**

**WARDS AFFECTED:** Bridge

**Item No:**

**PLANNING COMMITTEE  
22nd February 2017**

**REPORT OF CHIEF PLANNER**

**Site Of Trent Works, Wilford Crescent East**

**1 SUMMARY**

Application No: 16/01986/PFUL3 for planning permission

Application by: Mr Mike Askey on behalf of Mr Alec Hamlin, Blueprint (General Partners) Limited

Proposal: Construction of 20 houses and 4 apartments, associated parking and external works

The application is brought to Committee because the application is a major development which has generated public interest that is contrary to officer recommendation. Also, officers may recommend that policy compliant S106 contributions be waived or reduced on the grounds of viability, depending on the awaited conclusions of the District Valuer.

To meet the Council's Performance Targets this application should have been determined by 9<sup>th</sup> December 2016, however an extension of time has been agreed.

**2 RECOMMENDATIONS**

**2.1 GRANT PLANNING PERMISSION** subject to:

- a) Prior completion of a planning obligation which shall include;
  - (i) an off-site financial contribution towards public open space;
  - (ii) a financial contribution towards education

Subject to the conclusions of the District Valuer's independent assessment of the developer's viability appraisal as to whether the whole or part of the policy compliant section 106 contributions should be required.

- b) The indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions and the obligation to be delegated by 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.

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

### **3 BACKGROUND**

- 3.1 This is a triangular shaped, cleared industrial site of 0.32 hectares located on the corner of Wilford Crescent East and Felton Road in the Meadows. The site formerly comprised a factory building, workshop and offices which have been demolished leaving a small office building on the Felton Road frontage (now converted to a dwelling).
- 3.2 To the north and west the site abuts residential properties fronting Wilford Crescent East and Collygate Road/Felton Road. To the south is the Embankment recreation ground and to the east are the Meadows Youth and Community Centre and the former Mundella Centre.
- 3.3 Planning permission was granted by Committee in 2004 for residential redevelopment of the site (ref. 03/00731/POUT). This was an outline application, with all matters reserved, to establish the principle of residential redevelopment.
- 3.4 A resolution to grant a further outline planning permission for residential development with all matters reserved, except access, was approved by Committee in December 2010 (09/02028/POUT), and a renewal request was subsequently approved in 2012 (11/04196/POUT). Both these planning permissions were granted subject to a Section 106 obligations for contributions towards public open space. In addition, the planning obligation linked to the 2009 permission also included a requirement to promote the use of local labour and training in connection with the development. The 2012 outline planning permission expired in December 2015.

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

- 4.1 This application originally sought full planning permission for 25 residential units comprising of 21 houses and 4 apartments.
- 4.2 The proposed units consist of a terrace of three storey properties positioned along the frontages of the site with Felton Road and Wilford Crescent East. A four storey apartment building would be located at the corner of both roads opposite the former Mundella Centre. To the rear of the frontages it is proposed to create a small private cul-de-sac of 8 two storey units which would be accessed from Wilford Crsecent East.
- 4.3 The development is contemporary in its design and is proposed to be constructed with brick facades to the houses, with the apartment building being a mix of brick, metal and timber cladding. The houses are all proposed to have pitched tiled roofs whilst the apartment building would be flat roofed.
- 4.4 Issues relating to flood risk and the scale of the development have resulted in the submission of revised plans. The finished floor levels of the whole developed have been raised by approximately 650mm above surrounding street levels. The number of units has been reduced to 24 residential units, comprising of 20 houses and 4 apartments. Plot 8 at the centre of the site has been omitted. The increase in levels has resulted in stepped entrances to the units along Felton Road and Wilford Crescent East. To overcome the increase in levels, the 7 dwellings in the centre of the site been redesigned to be lower in height and have hipped roofs. Stepped

terraces are now also proposed to access rear gardens. Plot 16 has been reduced to be 2 storeys in height.

- 4.5 Each of the dwellings fronting Felton Road and within the centre of the development are proposed to have at least one off-street parking space, whilst those on Wilford Crescent East are proposed to have access to 8 newly created on-street parking bays, which would form part of the existing residents parking permit scheme in the area. There is no proposed formal parking provision associated with the apartment development.
- 4.6 The developer has committed to work with the Council's Employment and Skills team to deliver local employment and training opportunities relating to construction jobs.

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

### **Adjoining occupiers consulted:**

97 neighbour notification letters were sent to neighbouring residents on Green Street, Felton Road, Collygate Road, Atlas Street, Pyatt Street, and Woodward Street. The application has also been advertised on site and in the local newspaper. The period for comment expired on 27.10.2016. In response 10 comments have been received which are summarised below:

- One of letter support which states that they are glad that the site is being developed, after being derelict for so long. They hope that the housing will be nice and make the area a better place to live.

- Another resident welcomes the development but has reservations with regards to the number of properties that could potentially be built. They are struggling with parking on the street and are concerned that additional properties would cause more parking congestion. If the plans do go ahead they feel strongly that the residents should not be provided with parking permits that allow them to park on Woodward Street. In their opinion future residents should be provided with sufficient parking places within the new build (see below for further parking concerns).

-Residents main concerns relate to increased traffic, on street parking and that existing parking permit holders would be prevented from parking on Woodward Street or Green Street outside their homes. Criticism is made of the submitted 'On Street Parking and Capacity Assessment', for only being carried out twice and not in the evenings, when parking demand is at its greatest. Two residents have cited several occasions in the evenings when no parking is available on Woodward Street and people have had to park away from their homes. They consider that residents all have cars, despite good public transport links in the area. Instead of using what is seen as old census data (2011), it is considered that a door to door survey of the area should have been carried out. They comment that the parking on all streets needs to be marked out because more cars could be accommodated if cars were better parked. They suggest that the parking at the sports facilities be put into a permit scheme for the new housing or these developments be permitted to park solely on Turney Street and Pyatt Street, which are usually empty because of the bus depot. They also suggest that there is a need for permit parking on Sundays. They therefore disagree that there is sufficient on-street parking for the developments of Trent Works and the Mundella Centre when both could have two

cars per dwelling. They would like to see additional parking spaces added where there are either none or where non-residents can park up to two hours without a permit ie, outside the Mundella Centre.

- The other principle concern relates to the scale of the development. The height of the apartments, at four storeys, and houses, at three storeys along Felton Road and Wilford Crescent East, is not considered to be in keeping with neighbouring properties, from a visual perspective and also in terms of an overbearing impact. In addition, the proposed height of the new buildings would have a significant deleterious effect on the long views looking back towards the city from the Victoria Embankment. It is felt that the development should enhance the character the street rather than dominate it. It is suggested that the proposed apartment building should be no more than three storeys in height and the houses should not be set at a higher level.

- Concern that the scale of part of the development, at three and four storeys would cause loss of privacy to neighbouring properties and provide sightlines into their rear gardens.

- Concern that the scale of part of the development would result in loss of light and overshadowing of the properties on Collygate Road.

- Concern that the development has inappropriate floor level heights, which would increase flood risk in the surrounding streets. This is due to the properties being raised on a pedestal above the height of existing properties in the area. They consider that that the raised height of the dwellings would also exacerbate the overall scale of the development with existing neighbouring properties. It is suggested that this pedestal be removed.

- Assurance that an independent assessment of the development, by the City Council and the Planning Committee will take place given the Councils vested interest in the applicant, Blueprint.

- This part of the Meadows suffers from regular disruption due to events on the Embankment. They feel that construction work should be respectful to residents, in terms of construction noise and access.

Nottingham Civic Society welcomes the new townscape this redbrick development would bring to this part of the Meadows which still retains its Victorian and Edwardian character in the surrounding streets. They consider that the dwellings have been thoughtfully designed to deliver a bespoke if high density layout. They consider it a pity that central heating flue chimney stacks have not been incorporated into the design to enliven the roofscapes, reflecting the character of neighbouring Victorian streets.

A further neighbour consultation was carried out upon receipt of the revised plans (expiry date 18.01.17). Four additional comments were received which are summarised below:

- Two residents welcome the development.
- Two residents are still concerned that the parking issue has not been resolved and that the survey of parking in the area has not been carried out at the correct time of day or for an extended period.

- Disappointment that the revised plans have further increased the height of the development to take into account flood risk. The development continues to pose additional flood risk to existing properties and creates a scale of development which is out of keeping with the surrounding area, for the reasons set out above.

**Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objection. Require conditions to address potential contamination, the submission of a noise assessment and sound insulation scheme, and vehicle charging points.

**Highways:** No objections. Amendments to the Traffic Regulation Order in the area are required to be agreed by condition, together with conditions relating to the provision of a bin store to serve units in the centre of the site, and parking for both cars and cycles.

**Environment Agency:** No objections subject to compliance with the revised Flood Risk assessment (FRA).

**Drainage:** No objections subject to compliance with revised FRA.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

- 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.
- 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 Paragraphs 100 to 104 sets out a sequential approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking the account of climate change.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.

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

ST1 - Sustainable Communities.

H2 – Density.

E4 - Previously Used Employment Sites.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

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

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 14: Managing Travel Demand.

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

### **Main Issues**

- (i) Principle of the development**
- (ii) Density, layout and design considerations;**
- (iii) Highway considerations;**
- (iv) Impact on residential amenity;**
- (v) Flood Risk;**
- (vi) Whether to waive or reduce planning obligations.**

### **i) Principle of the development (NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, E4, and H2 of the Local Plan)**

- 7.1 The principle of the loss of employment land and its replacement with residential development has been established by a number of outline planning permissions, the most recent of which expired in December 2015.
- 7.2 The site is within a Primarily Residential Area and the proposed residential use would be more compatible with the adjacent residential properties on Wilford Crescent East, Collygate Road and Felton Road. The proposal would provide an



opportunity to enhance the built environment and assist in the regeneration of the surrounding area.

- 7.3 The NPPF, Aligned Core Strategy and Local Plan policies supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. It states that Local Planning Authorities should plan for a mix of housing and identify the size, type, tenure and range of housing to meet local needs. It is considered that the proposed range of house types would contribute towards the City Council's strategic objectives to create sustainable balanced communities and a varied mix of housing options.
- 7.4 The proposal would provide 24 new dwellings comprising a mix of 8x2 bedroom and 12x3 bedroom houses, and an apartment building containing 1x1 bedroom and 3x2 bedroom apartments. The size and layout of the units are considered to be generous and would provide a high quality scheme with a good degree of amenity in terms of space and outlook. All the houses have been provided with access to private rear gardens or patios. Some houses and apartments fronting Felton Road have been designed with south or west facing terraces. Additionally, the development is located in a sustainable location, close to local facilities, and would have direct access to leisure and recreation facilities on the Victoria Embankment to the south.
- 7.5 The proposal therefore accords with NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2, and H5 of the Local Plan.

**(ii) Density, Layout and design considerations (NPPF, Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan)**

- 7.6 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.7 This is a high density development which makes maximum use of this awkward shaped site, to create a distinctive high quality scheme. Three storey dwellings are proposed to provide a strong built frontage to both Felton Road and Wilford Crescent East. A four storey apartment building then provides a link between the two frontages and acts as a visual anchor for the scheme, at a point where the public highway is very wide and poorly 'enclosed'. Combined with its simple but well-articulated elevational treatment, the increased height of the apartment building makes a feature of this prominent corner. Where the site shares a much closer relationship with existing properties, the height of development has been lowered to two storeys terraced and semi-detached properties.
- 7.8 Considerable work has been carried out to ensure that the scale and density of the development respects that of surrounding residential properties and sits comfortably within the street scene. This has been particularly important given the need to raise the floor levels of the whole development by 650mm to overcome the flood risk objection from the Environment Agency. The frontage along Felton Road has been designed to step down in height towards existing properties, and along Wilford Crescent East the new dwellings are of a similar height to existing three storey terraced properties on the street. It is acknowledged that the apartment building would be taller than the Mundella building opposite, however the width of the road and junction is considered to create sufficient space for both buildings to

sit comfortably opposite one another. The scale is largely compatible with its surroundings and the small four storey element is not considered to conflict with long views from the Victoria Embankment.

- 7.9 The scheme has also been designed to provide active frontages, surveillance over the street and also secure private rear gardens. The new family dwellings would be two and three storeys in height and a mixture of semi-detached and short terraces, to reflect the context of the surrounding residential properties, yet also creating their own distinctive character. Bin stores are primarily proposed to be located in rear gardens but where this is not possible they are accommodated in front gardens, in purpose designed stores.
- 7.10 The design aesthetic of the development is contemporary and simple in form. Their elevational treatment, together with the palette of materials, would create a clear and cohesive architectural language. The final details of the materials would be dealt with by condition.
- 7.11 The central part of the site has been designed to create small enclosed courtyard of terraced and semi-detached dwellings. The private street has been narrowed to create a sense of enclosure and entry into a quiet residential space. New street trees are proposed to mark its entrance, whilst brick planters provide an added level of privacy and protection to the front of the dwellings. Details of hard surfacing and landscaping would be dealt with by condition.
- 7.12 Overall the scale/density, layout and design of the buildings are considered to be a positive and well considered response to the site and its context, in accord with the NPPF, Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan.

**(iii) Highway considerations (Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)**

- 7.13 Proposals for both Mundella Centre and Trent Works have been considered together given their close proximity and highway implications.
- 7.14 The Mundella Centre site has no off-street parking provision and therefore requires a minimum of 10 on-street parking spaces. Development proposals at Trent Works also have an under-provision of parking, with 11 dwellings not having off-street parking. It is however proposed to create two new on street parking bays adjoining the Trent Works site on Wilford Crescent East, which would accommodate 8 cars (to be included in the existing residents parking permit scheme in the area). This would result in a net addition of 3 available on-street parking spaces once the reduction in on-street parking spaces on Felton Road is taken into account, after the creation of access to off-street parking provision for the new dwellings fronting Felton Road. Across the two sites this equates to a total of 22 dwellings with no formal parking provision.
- 7.15 The majority of existing terraced houses on surrounding streets don't have off-street parking and to manage parking pressures, the area is subject to a residents parking scheme. To assess the capacity of the current scheme to provide additional resident and visitor parking permits, for both developments, the applicant has carried out an On Street Parking Capacity Assessment. A series of parking surveys were carried in the area, the scope of which, in terms of the number and timing of the surveys, was agreed with Highways. The Assessment concluded that even at the busiest periods of the survey, there was available capacity for all residents to

apply for a visitor parking permit and for those without access to private off-street spaces, to apply for a residents parking permit in addition to a visitor permit.

- 7.16 Highways, in review of the Assessment, consider that there has been an overestimation of the number of potential on street parking spaces available. Highways have therefore requested, by condition, that the Traffic Regulation Orders in the area be reviewed and amended before consideration is given to allowing any permits to the residents of both developments, other than within the 8 spaces created on Wilford Crescent East. It should be noted that the eligibility of residents to be included within the residents parking scheme is a separate matter controlled by Highways, and that it may not be possible to provide resident parking permits for all residents of the proposed developments.
- 7.17 However, it is also recognised that both sites are located in a highly sustainable location with access to good public transport links to the city centre and surrounding areas, and good cycle and pedestrian links. Secure cycle parking would be provided for each residential unit.
- 7.18 On this basis Highways consider the two developments would be acceptable, subject to the conditions outlined above.

**(iv) Impact on residential amenity (Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan)**

- 7.19 The proposed layout has been designed to take into account the existing residential properties which abut the site and ensure that there would be no adverse impact upon the amenities of existing residents or future occupants of the new development, in terms of light, outlook and privacy.
- 7.20 The closest residential properties to the site are those located on Felton Road, Collygate Road and Wilford Crescent East. In response to the requirements of the Environment Agency to raise finished floor levels across the site, further revisions have been made to the layout and design of the proposed two storey dwellings at the centre of the site, to ensure that any adverse impact on the amenities of these neighbouring properties is minimised. Revisions include:
- The removal of plot 8 from the scheme and the creation of a pair of semi-detached properties (plots 9 and 10). These are of a narrower footprint which has reduced their ridge height by approximately 425mm. A hipped roof is also proposed to further reduce overall massing. This created a better relationship with properties on Wilford Crescent East and Collygate Road and has resulted in larger rear gardens and two off street parking spaces to serve the dwellings.
  - The other central row of 5 terraced dwellings (Plots 11-15) have been re-designed with lowered eaves and ridge heights, to create a lower, shallow hipped roof. The overall reduction in their massing would again reduce the impact for neighbouring properties on Collygate Road and Felton Road. Windows at first floor level in the rear elevation of the dwellings are now proposed to be sloping and vertical roof lights, to avoid loss of privacy to neighbouring properties on Felton Road.
- 7.21 Finally, the footprint of Plot 16 has been reduced in size on all floors and the roof terrace at 2nd floor level has been omitted. This has improved the spacing between the apartment building and plot 16, which in turn has eased its relationship with the

new dwellings fronting Felton Road and reduced potential overlooking issues to an acceptable level. It has also allowed the rear garden of plot 16 to be increased in size.

7.22 The development therefore accords with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan in this regard.

**(v) Flood Risk (Policy 1 of the Aligned Core Strategy 1 and Local Plan Policy NE10)**

7.23 The NPPF states that inappropriate development in areas at risk of flooding should be avoided, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Authorities should apply a sequential, risk-based approach to the location of development. The site has previously been sequentially tested and is considered acceptable for residential development with appropriate flood mitigation measures.

7.24 The River Trent is located approximately 300m to the south of the site and as such the application has been accompanied by a Flood Risk assessment (FRA). The Environment Agency (EA) originally objected to the FRA on the grounds that it failed to ensure that the development would be kept safe for its lifetime. The new 1 in 100 year plus climate change breach flood level is 25.66m AOD and the EA therefore strongly recommended that finished floor levels (FFL) should be raised to meet this modelled floor level. This equates to an increase of approximately 650mm in FLL across the site.

7.25 A revised FRA was subsequently submitted which revised the FFL to meet the modelled level plus climate change, and has incorporated flood resistant construction techniques to provide further protection. On the basis of the revised FRA and subject to a flood excavation plan for the development, the EA now considers the development to be acceptable in terms of flood risk.

7.26 The proposal therefore accords with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

**vi) Whether to waive or reduce planning obligations (Policy ST1 and Policy R2 of the Local Plan)**

7.27 In order to comply with the requirements of the Supplementary Planning Guidance, the developer is required to enter into a section 106 obligation to secure the following financial contributions:

- Public Open Space £29,364.54
- Education £109,857.00

The total commuted sum contribution is therefore £139,221.54.

7.28 In terms of education, the local primary and secondary schools are already experiencing capacity issues and consequently the development is going to increase pressure for school places. The figure above is derived from the Council's established formula for calculating the number of children arising from a residential development, having regard to the number and type of units being proposed, and the cost associated with providing their education. The contribution if required will be used towards expanding the capacity of Welbeck Primary School and

Nottingham Emmanuel Secondary School, both of which serve the area within which the site is located.

- 7.29 The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. If this required, it is believed that this would be directed towards improvements at the Victoria Embankment Memorial Gardens, which are part of the nearest and largest area of public open space readily accessible to the residents of this development. This point will be confirmed prior to the meeting and reported in the Committee Update Sheet.
- 7.30 However, the applicant has submitted a viability appraisal in support of its assertion that the proposed development would not be viable based upon the provision of the full range of S106 developer contributions that the scheme would otherwise be required to meet. The appraisal is currently being reviewed by the District Valuer and the conclusions of that independent assessment will be reported in the Committee Update Sheet.
- 7.31 In both cases, it is considered that Section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

#### **Other Matters (Policy 10 of the Aligned Core Strategy and Policies NE9 and NE12 of the Local Plan)**

- 7.32 A remediation strategy to deal with ground contamination and a noise assessment and insulation scheme to protect future occupiers of the site would be secured by condition. The proposals are therefore in accordance with Policy NE12.
- 7.33 In response to the consultation response regarding the Council's interest in the applicant company, it can be confirmed that the determination of this planning application by the City Council as Local Planning Authority will be made solely in light of its compliance with the National Planning Policy Framework and Development Plan policies for the City as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

#### **8. SUSTAINABILITY / BIODIVERSITY**

The development has been designed to meet a 10% reduction in carbon emissions (beyond Building Regulations Part L 2013). This is mainly achieved by a 'fabric first approach' involving well insulated walls, floors and roofs to provide a high 'u' value. Furthermore, the houses are orientated to make use of solar gain and shading methods, natural ventilation and daylight.

#### **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: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

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

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 16/01986/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCK0OYLYFLY00>
2. Environmental Health and safer Places comments 05.01.17.
3. Comments from a resident of Woodward Street 16.09.16.
4. Comments from a resident of Woodward Street 17.09.16.
5. Comments from a resident of Collygate Road 19.09.16
6. Comments from a resident of Collygate Road 19.09.16.
7. Comments from a resident of Woodward Street 03.10.16.
8. 2 Comments from a resident of Woodward Street 04.10.16 and 18.01.17.
9. Comments from a resident of Woodward Street 03.10.16.
10. 4 Comments from a resident of Victoria Embankment 06.10.16, 11.10.16, 17.10.16 and 10.01.17.
11. Comments from Nottingham Civic Society 16.10.16.
12. Comments from a resident of Pyatt Street 09.01.17.
13. Comments from a resident of Pyatt Street 10.01.17.
14. Drainage comments 11.01.17.
15. Highways comments 11.01.17.
16. Environment Agency comments 05.10.16 and 26.01.17.
17. Education comments 24.10.17.

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

Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Jo Briggs, Case Officer, Development Management.

Email: [joanna.briggs@nottinghamcity.gov.uk](mailto:joanna.briggs@nottinghamcity.gov.uk). Telephone: 0115 8764041



# 1 Site Location Plan

Scale 1:1250 @ A4

0m 12.5 25 37.5 50 62.5 75 87.5 100 112.5 125

1:1250

## notes

1. Refer to figured dimensions, do not scale.
2. If in doubt refer to the Architect before work starts
3. All dimensions are to be checked on site
4. The Architects disclaim responsibility for variations from this drawing made without their written consent
5. Please ensure that there have been no additional revisions to this drawing before starting work.

## revisions

client	Blueprint		
job	Trent Works		
drawing	Site Location Plan		
scale	1:1250 @ A4	date	April 2016
no.	15005-PL-00	revision	-
drawn by			



**My Ref:** 16/01986/PFUL3 (PP-05403844)  
**Your Ref:**  
**Contact:** Mrs Jo Briggs  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
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Mr Mike Askey  
37 A Sneinton Hermitage  
Nottingham  
NG2 4BT

Date of decision:

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

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**Application No:** 16/01986/PFUL3 (PP-05403844)  
**Application by:** Mr Alec Hamlin  
**Location:** Site Of Trent Works, Wilford Crescent East, Nottingham  
**Proposal:** Construction of 20 houses and 4 apartments, associated parking and external works

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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:-

**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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**Nottingham**  
A city we're all proud of

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

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Continued...

2. No development or site preparation works shall be carried out on the site until details of a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period for the development and shall provide for:
- a) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
  - b) The parking of vehicles of site operatives and visitors;
  - c) Loading and unloading of plant and materials;
  - d) Storage of plant and materials used in constructing the development;
  - e) Wheel washing facilities, if necessary;
  - f) Measures to control the emission of dust and dirt during construction;
  - g) Site security;
  - h) Measures to prevent the deposit of debris on the highway and;
  - j) A timetable for its implementation.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

3. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with ground contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan, based on the Geo-Environmental Investigation report MA10200/J1460/D1/1 by Millward dated 2016 and by Geo-Environmental Investigation dated May 2012, referenced N12133/V1, 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: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*



4. The development shall not commence until an environmental noise assessment and sound insulation scheme has been submitted to and be approved in writing by the Local Planning Authority.

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

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

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

*Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

5. Notwithstanding the submitted plans, above ground development shall not commence until full details of external materials for the buildings have been submitted to and approved in writing by the Local Planning Authority The details shall include:

- a) Material samples;
- b) Large scale elevation and cross sections;
- c) Details of windows and reveals;

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

*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.*

6. The hard surfacing of all external areas shall not be commenced until details of the materials to be used have been submitted to and agreed in writing with the Local Planning Authority.

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

*Reason: In the interests of the appearance of the development and in accordance with the aims of 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. Notwithstanding the submitted plans, the development shall not be occupied until boundary treatments and enclosures to the site and plot boundaries have been erected in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

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

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

8. The development shall not be occupied until a landscaping scheme for the site, including details of the street trees, 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, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme. Thereafter the landscaping scheme shall be carried out in accordance with the approved details and timetable. 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.*

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

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

*Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

11. Prior to the first occupation of any of the dwellings hereby approved, all parking spaces shall be provided in accordance with the approved plans.

*Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.*



12. Prior to the first occupation of any of the dwellings hereby approved, an application and draft designs for amendments to the Traffic Regulation Order in the area shall be submitted to and approved in writing by the Local Planning Authority.

The developer shall thereafter pursue implementation of the proposed amendments, prior to first occupation of the dwellings.

*Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.*

13. Prior to the first occupation of any of the dwellings, details of a bin collection area to serve plots 9-15 and cycle storage for the whole development shall be submitted to and approved in writing with the Local Planning Authority.

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

*Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.*

### **Regulatory/ongoing conditions**

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

14. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Do. Ref. MA10200 - R01A Flood Risk Assessment and Appendices, produced by Millward, received 16/12/2016) and the following mitigation measures detailed within the FRA:

- a) Finished floor levels shall be set no lower than 25.66m above Ordnance Datum (AOD);
- b) Flood resistant design and construction techniques shall be incorporated to at least 300mm above FFL as detailed in the 'Water Exclusion Strategy' section (page 11) of the agreed FRA;
- c) Identification and provision of safe route(s) into and out of the site shall be provided to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation of the proposed dwellings.

*Reason: In the interests of flood protection in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Nottingham Local Plan.*

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

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 9 September 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. Contaminated Land, Ground Gas & Groundwater

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

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

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

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

### 4. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.





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

## 5. Highways

1. Developers wishing to have the completed roads 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 on 0115 876 5293 in the first instance.

2. Planning consent is not consent to work on the highway. To carry out the off site works 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 on 0115 8765293 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.

3. 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. It is necessary to introduce/amend a Traffic Regulation Order/s as part of this development. This is a separate legal process and the Order/s can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management on 0115 876 5293 to instigate the process.

5. The applicant should note that unless the existing Traffic Regulation Order can be amended to provide additional spaces for residents that the new dwellings will not be eligible for residents parking permits in the area, other than in those spaces created by the development on Wilford Crescent East. Those dwellings within the private road and those with off street spaces will not be eligible for these permits.

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

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



**DRAFT <sup>8</sup> ONLY**  
**Not for issue**

Continued...



## RIGHTS OF APPEAL

Application No: 16/01986/PFUL3 (PP-05403844)

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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**WARDS AFFECTED:** Bridge

**Item No:**

**PLANNING COMMITTEE  
22nd February 2017**

**REPORT OF CHIEF PLANNER**

**Mundella Centre , Green Street**

**1 SUMMARY**

Application No: 16/01987/PFUL3 for planning permission

Application by: Mike Askey on behalf of Alec Hamlin, Blueprint (General Partner) Limited

Proposal: Change of use from educational office building to 10 dwellings and associated site works.

The application is brought to Committee as it has generated significant public interest that is contrary to officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 8th November 2016, however an extension of time has been agreed.

**2 RECOMMENDATIONS**

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

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

**3 BACKGROUND**

3.1 The application relates to the former Mundella Centre which was last used as offices for the education team at Nottinghamshire County Council, but has now been vacant for many years.

3.2 The building sits in a prominent corner position at the junction of Wilford Crescent East, Green Street and Woodward Street and has road frontages to each. It is a 'U' shaped building, which sits directly at the back of the pavement, and has a small internal courtyard along its eastern boundary. The building is two storeys in height and is constructed in brick, with a tiled hipped roof. It is characterised by a series of distinctive tall metal framed windows and a two storey enclosed walkway facing into the internal courtyard.

3.3 The building has two pedestrian entrances, the first from Woodward Street, and the second from Green Street. There is no off street parking associated with the building and historically all parking and servicing has been accommodated on the surrounding roads.

- 3.4 The site sits within a primarily residential area and within Flood Zone 3 of the River Trent. To the east the building is adjoined to terraced residential properties on Woodward Street and Green Street. New residential development, by the applicant Blueprint, is located to the south on the opposite side of Green Street. To the north the Meadows Youth and Community centre sits on the opposite corner of Woodward Street with Wilford Crescent East. To the west, on the opposite side of Wilford Crescent East, is the cleared site of the former Trent Works. This site is the subject of a separate planning application to be considered by Planning Committee at this meeting (16/01986/PFUL3).

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

- 4.1 Permission is sought to convert the existing building into 10 dwellings, which would comprise its vertical subdivision into 2x2 bedroom dwellings and 8x3 bedroom dwellings. The main entrance to each dwelling would be from the rear elevation of the building, accessed via two communal entrances on Green Street and Woodward Street.
- 4.2 It is proposed to re-landscape the inner courtyard as communal space for the dwellings. No off street parking is to be provided but the inclusion of the residents in the area's residential on-street parking scheme is proposed.
- 4.3 The main external changes to the appearance of the building are as follows:
- The replacement of the existing metal framed windows with new heritage aluminium double glazed windows;
  - A single storey building, with a green roof, is proposed to be constructed to the eastern boundary of the courtyard to accommodate bikes, bins and plant;
  - The existing roof, glazing and timber boarding to the enclosed rear walkway are proposed to be removed, due to their poor state of repair. The first floor walkway would then be divided to form a small first floor terrace for each dwelling, whilst the ground floor would remain as a covered entrance walkway;
  - Alterations of the ground floor rear elevation to provide entrance doors and relocated windows for each dwelling;
  - Relocation of the communal entrance door on the Woodward Street elevation.

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

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

97 neighbour notification letters were sent to residents on Green Street and Woodward Street. The application has also been advertised by site notice. The period for comment expired on 22.10.2016. In response 5 comments have been received which are summarised below:

- Two local residents are in support of the scheme. One resident does however comment that additional parking is required through an extension to the existing residential parking permit area (see below).
- Resident's main concern relates to increased traffic, on-street parking and that existing parking permit holders would not be able to park on Woodward Street or Green Street. Criticism is made of the submitted On Street Parking and Capacity Assessment for only being carried out twice and not in the evenings, when parking demand is at its greatest. A resident carried out their own small

survey and on 4 occasions there were largely no spaces available. They consider that residents all have cars despite good public transport links in the area. Instead of using old census data (2011) it is considered that a door to door survey of the area should have been carried out. They comment that the parking on all streets needs to be marked out because often more cars could be accommodated if people parked better. They suggest that parking at the adjacent sports facilities be put into a permit scheme for the new housing or these developments be permitted to park on just Turney Street and Pyatt Street, which are usually empty because there is only the bus depot. They also suggest that there is a need for permit parking on Sundays.

- The building should be maintained for community use or possible other projects to help the community in that area.
- Loss of privacy from the first floor terraces.
- The impact of noise during conversion of the building.
- No consideration has been given to electric car charging points in the area.
- Concern over the loss of another iconic building in the area. Trent Bridge School has already been demolished to make way for new housing.
- Query over why the building has been left vacant for so long.

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

**Environmental Health and Safer Places:** No objections. Recommend conditions relating to contamination.

**Highways:** No objections. An application and draft designs for amendments to the Traffic Regulation Order in the area are required to be agreed by condition.

**Environment Agency (EA):** Objection. The submitted Flood Risk Assessment presently fails to ensure that new more vulnerable development would be kept safe for its lifetime, and consider how residents would be kept safe from flood hazards.

The new climate change guidance recommends that more vulnerable developments in Flood Zone 3a should use the higher central and upper end climate change value (i.e. peak river flow allowances of between 30% and 50%). The new 100 year 30% peak flow flood height would be 25.31m AOD, and 25.76m AOD for the 100 year 50% scenario. In addition, a modelled breach in a 100 year scenario including a 30% peak river flow to reflect climate change would result in a modelled flood height of 25.65m AOD. Existing ground finished floor levels (FFLs) in this property are 25.41mAOD, which is only 100mm above the 30% scenario, and below both the 50% and the breach 30% scenario. Best practice guidance states that FFLs should be set no lower than 600mm above the modelled flood level (ie. 26.25m AOD).

The EA require consideration within the FRA of whether FFLs could be raised any further, while taking into account minimum floor to ceiling height guidelines that would also need to be adhered for planning purposes. Flood resistant construction techniques should be incorporated to provide further protection if FFLs cannot be raised as far as the guidance recommends.

A revised FRA has now been submitted and further comments from the EA will be reported to the meeting.

**Drainage:** No objections. Recommend a condition relating to surface water drainage details, to include a 30% reduction in surface water run-off and the use of sustainable drainage techniques.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (March 2012):**

- 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.
- 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 Paragraphs 100 to 104 sets out a sequential approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking the account of climate change.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.

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

ST1 - Sustainable Communities.

H2 - Density.

T3 - Car, Cycle and Servicing Parking.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

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

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 14: Managing Travel Demand.

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

### **Main Issues**

**(i) Principle of the development and appropriateness of the mix of house types;**

**(ii) Layout and design considerations;**

**(iii) Highway considerations;**

**(iv) Impact on residential amenity;**

**(v) Flood Risk.**

**(i) Principle of the development and appropriateness of the mix of house types (NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1 and H2 of the Local Plan)**

7.1 The Mundella Centre was originally built as a school but in later years was used as offices by the County Council, until surplus to requirements. Freehold ownership of the building was then transferred to the City Council. The building has now been vacant for over 5 years and has fallen into a poor state of repair. In that time the building has been actively marketed by the property team and some expressions of interest were initially received for community uses, but were never progressed. The proposal would secure a long term use for the building and given its location within a predominantly residential area and such close proximity to adjoining housing, it is considered that the most appropriate future use of the building would be residential. There is, therefore, no objection in principle to residential use, provided it complies with the other policies of the Local Plan and the Aligned Core Strategy.

7.2 The proposal would provide 10 new dwellings comprising of a mix of 2x2 bedroom and 8x3 bedroom houses. The size and layout of the units are generous and would provide a high quality scheme with a good degree of amenity in terms of space and outlook. All the dwellings would have use of the communal courtyard space, together with a small first floor terrace.

7.3 The proposal therefore accords with NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2, and H5 of the Local Plan.

**(ii) Layout and design considerations (NPPF and Policy 10 of the Aligned Core Strategy)**

7.4 The retention and conversion of the building is welcomed and the proposed layout of the dwellings and external alterations have been sympathetically designed to respect the character and appearance of this locally important building. The creation of new entrances to the units from the street was explored but issues of

flood risk and encroachment onto the footpath have prevented their integration into the scheme. Details of all replacement windows and doors, together with the changes to the enclosed walkway, are proposed to be dealt with by condition.

- 7.5 The improvements to the inner courtyard would create a small but attractive area of private external space to serve the development and compliment the quality of the facades of the building that enclose it. The bin and cycle store has been designed with a green roof to soften its visual impact when viewed from neighbours and resident within the development.
- 7.6 Overall, it is considered that the conversion and reuse of the building would result in an enhancement to the local townscape and enliven the street scene. The proposal would therefore comply with Policy 10 of the Aligned Core Strategy and the aims of the NPPF.

**(iii) Highway considerations (Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan)**

- 7.7 Proposals for both Mundella Centre and Trent Works have been considered together given their close proximity and highway implications.
- 7.8 The Mundella Centre site has no off-street parking provision and therefore requires a minimum of 10 on-street parking spaces. Development proposals at Trent Works also have an under-provision of parking, with 11 dwellings not having off-street parking. It is however proposed to create two new on street parking bays adjoining the Trent Works site on Wilford Crescent East, which would accommodate 8 cars (to be included in the existing residents parking permit scheme in the area). This would result in a net addition of 3 available on-street parking spaces once the reduction in on-street parking spaces on Felton Road is taken into account, after the creation of access to off-street parking provision for the new dwellings fronting Felton Road. Across the two sites this equates to a total of 22 dwellings with no formal parking provision.
- 7.9 The majority of existing terraced houses on surrounding streets don't have off-street parking and to manage parking pressures, the area is subject to a residents parking scheme. To assess the capacity of the current scheme to provide additional resident and visitor parking permits, for both developments, the applicant has carried out an On Street Parking Capacity Assessment. A series of parking surveys were carried in the area, the scope of which, in terms of the number and timing of the surveys, was agreed with Highways. The Assessment concluded that even at the busiest periods of the survey, there was available capacity for all residents to apply for a visitor parking permit and for those without access to private off-street spaces, to apply for a residents parking permit in addition to a visitor permit.
- 7.10 Highways, in review of the Assessment, consider that there has been an overestimation of the number of potential on street parking spaces available. Highways have therefore requested, by condition, that the Traffic Regulation Orders in the area be reviewed and amended before consideration is given to allowing any permits to the residents of both developments, other than within the 8 spaces created on Wilford Crescent East. It should be noted that the eligibility of residents to be included within the residents parking scheme is a separate matter controlled by Highways, and that it may not be possible to provide resident parking permits for all residents of the proposed developments.



- 7.11 However, it is also recognised that both sites are located in a highly sustainable location with access to good public transport links to the city centre and surrounding areas, and good cycle and pedestrian links. Secure cycle parking would be provided for each residential unit.
- 7.12 On this basis Highways consider the two developments would be acceptable, subject to the condition outlined above.

**(iv) Impact on residential amenity (Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan)**

- 7.13 The proposed scheme has been designed to take into account the existing residential properties which abut the site, to ensure that there would be no adverse impact upon their amenities or those of future occupants of the new development in terms of light, outlook and privacy.
- 7.14 At first floor level it is proposed to convert the existing covered walkway on the internal courtyard elevation into a small first floor terrace for each dwelling. Given its previous use as a walkway, it would be no closer to neighbouring properties than at present and as the internal courtyard provides a good level separation, the proposed dwellings relationship with neighbouring properties is considered to be acceptable. Furthermore, the development largely replicates the similar tight relationship shared between the terraced properties on Woodward Street and Green Street.
- 7.15 The development would therefore comply with Policy 10 of the Aligned Core Strategy.

**(v) Flood risk (Policy 1 of the Aligned Core Strategy 1 and Local Plan Policy NE10)**

- 7.16 A revised FRA has been submitted to resolve concerns of the Environment Agency with regard to the finished ground floor level of the units. This will be reported upon further by means of the Committee Update Sheet.

**8. SUSTAINABILITY / BIODIVERSITY**

Solar panels are proposed to the roof. It is also proposed to use a 'fabric first' approach to bring the building up to current Building Regulation requirements.

**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: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

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

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 16/01987/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCK0PLLYFM100>

2. Environmental Health and Safer Places comments 04.10.16.

3. Comments for a local resident 31.01.17.

4. Comments from a resident of Woodward Street 10.10.16.

5. 2 Comments from a resident of Woodward Street 24.10.16

6. Comments from a resident of Woodward Street 17.10.16.

7. Comments from a resident of Pyatt Street 03.10.17.

8. Drainage comments 11.01.17.

9. Highways comments 11.01.17.

10. Environment Agency comments 25.10.16.

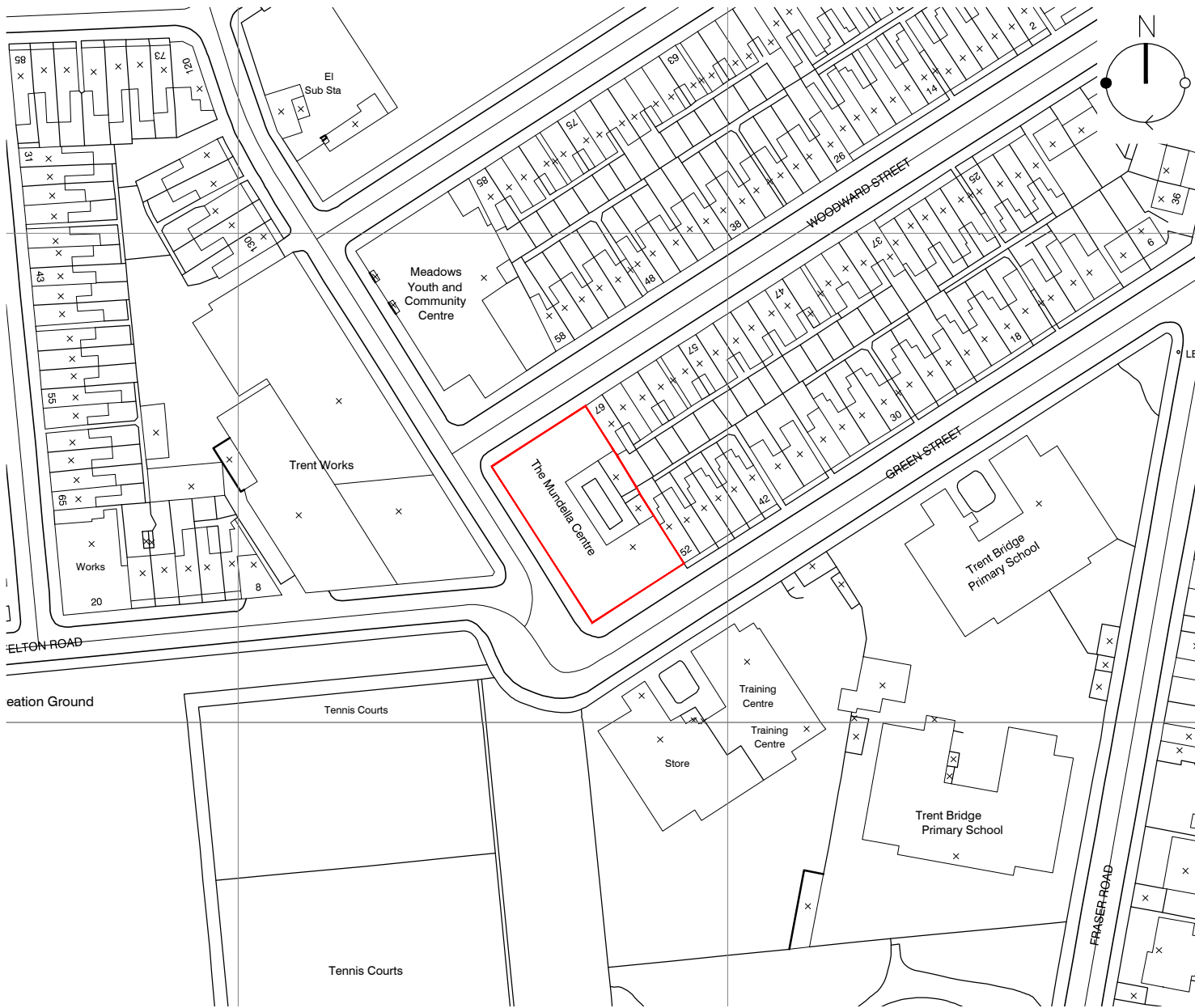
**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Jo Briggs, Case Officer, Development Management.

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



notes

1. Refer to figured dimensions, do not scale.
2. If in doubt refer to the Architect before work starts
3. All dimensions are to be checked on site
4. The Architects disclaim responsibility for variations from this drawing made without their written consent
5. Please ensure that there have been no additional revisions to this drawing before starting work.

revisions

client

Blueprint

job

Mundella Centre

drawing

Site Location Plan

scale

1:1250 @ A4

date

April 2016

no.

12013-PL-00

revision

-

drawn by

phone\_ 0115 941 1761  
 web\_ marsh-grochowski.com  
 address\_ 37a Sneinton Hermitage, Nottingham  
 NG2 4BT

**My Ref:** 16/01987/PFUL3 (PP-05406959)  
**Your Ref:**  
**Contact:** Mrs Jo Briggs  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

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

Mike Askey  
37A Sneinton Hermitage  
Nottingham  
NG2 4BT

Date of decision:

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

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Application No: 16/01987/PFUL3 (PP-05406959)  
Application by: Alec Hamlin  
Location: Mundella Centre , Green Street, Nottingham  
Proposal: Change of use from educational building to 10 dwellings and associated site works.

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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:-

**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. No development or site preparation works shall be carried out on the site until details of a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period for the development and shall provide for:
- a) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
  - b) The parking of vehicles of site operatives and visitors;
  - c) Loading and unloading of plant and materials;
  - d) Storage of plant and materials used in constructing the development;
  - e) Wheel washing facilities, if necessary;
  - f) Measures to control the emission of dust and dirt during construction;
  - g) Site security;
  - h) Measures to prevent the deposit of debris on the highway and;
  - j) A timetable for its implementation.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

3. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground and groundwater contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Remediation Plan, based on the Phase I & II Geo-Environmental Investigation by Milward dated May 2012 (Job No. N12133/V1) 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).
  - b) 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: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

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

The provision shall reduce peak surface water run-off by 30% relative to the site's previous use and shall prevent the unregulated discharge of surface water to the public highway. This provision shall then be retained for the life of the development.

*Reason: To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Aligned Core Strategy Policy 1 and Policy NE10 of the Nottingham Local Plan.*

5. Notwithstanding the submitted plans, the development shall not commence until details of the following have been submitted to and approved in writing by the Local Planning Authority.

- a) All new windows and doors, including large scale plans and sections;



- b) Elevations of the revisions to the rear elevation at ground floor level,
- c) Treatment of all first floor terraces, including the use of privacy screening for terraces in close proximity to neighbouring residents;
- d) Treatment of the inner courtyard, including hardsurfacing and landscaping details;
- e) The green roof to the ancillary bin and cycle store.

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

*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)

6. Prior to the first occupation of any of the dwellings hereby approved, an application and draft designs for amendments to the Traffic Regulation Order in the area shall be submitted to and approved in writing by the Local Planning Authority.

The developer shall thereafter pursue implementation of the proposed amendments, prior to first occupation of the dwellings.

*Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.*

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

**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 13 September 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. Contaminated Land & Groundwater

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

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- 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 and groundwater contamination of the site.

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's 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.

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: 16/01987/PFUL3 (PP-05406959)

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.



WARDS AFFECTED: Dales

Item No:

**PLANNING COMMITTEE**  
**22nd February 2017**

## **REPORT OF CHIEF PLANNER**

### **Depot East Of Trent Basin, Trent Lane**

#### **1 SUMMARY**

Application No: 16/01542/PRES4 for approval of reserved matters

Application by: Mr Dominic Page on behalf of Blueprint (General Partner) Limited

Proposal: Application for the approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2A of Planning Permission 13/03029/PFUL3, comprising 21 dwellings, public realm, hard and soft landscaping and associated works.

The application is brought to Committee because this is a major application on a prominent regeneration site where there are complex design considerations. To meet the Council's Performance Targets this application should be determined by 22nd March 2017.

#### **2 RECOMMENDATIONS**

##### **2.1 APPROVE RESERVED MATTERS**

#### **3 BACKGROUND**

3.1 In February 2014, Planning Committee approved the grant of hybrid planning permission (ref 13/03029/PFUL3) for the residential redevelopment of the Trent Basin site. It was resolved that outline permission be given for up to 160 dwellings over 5 phases and that full permission be given for the first phase of 2/3 storey townhouses and 6-storey block of apartments. The planning permission was issued on 30 June 2014. Phase 1 of the development, comprising 35 houses and 10 apartments, has now been completed and a number of the dwellings are now occupied.

3.2 An illustrative masterplan was provided with the outline application to indicate the likely structure and character of development beyond the first phase, with the indication that there would be five phases in total.

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

4.1 The application provides full details of the proposed layout, scale, appearance and landscaping of Phase 2A. The conditions of the Outline Planning Permission also require the submission of further details e.g. external materials, surfacing, landscaping, finished floor levels, drainage, before the development of each phase commences and a separate submission of these details has been made.

- 4.2 There would be a total of 21 dwellings within this phase. 8 three-storey townhouses that would front onto the river, a further 8 three-storey townhouses that would front onto Trent Lane, and a new street of 5 two-storey mews houses would be developed on the land between. Vehicular access and servicing is from the route that has been formed to the rear of Phase 1, which currently provides access to the private parking spaces to these properties. It is proposed that this route will be made up to an adoptable standard, allowing for access to rear courtyard parking spaces to the riverside townhouses, integral garage spaces to the mews houses, and general servicing including refuse collection from a communal bin store to be sited midway along this route. The riverside walkway is to be extended from Phase 1 along to Trent Lane and this route is designed to be used by pedestrians and cyclists only, with a 3 metre wide walkway and a wide landscaped strip up to the front boundaries of the riverside townhouses. A further landscaped space is to be created at the junction of the riverside walkway and the mews street.
- 4.3 It should be noted that the proposal is for part of Phase 2 only. Other land within Phase 2 at the end of Trent Lane and adjacent to the river has been excluded from the development at this time. It is understood that proposals for this part of the site (Phase B) are not yet fully evolved and that a separate reserved matters submission for that phase will be made in due course.

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

### **Adjoining occupiers consulted:**

Apartments 1-10, 31 Portside (new road within Phase 1)  
30-48(e) Portside  
1-22 Navigation Street (also within Phase 1)  
80-84(e) Trent Lane  
Maythorn Mill, Trent Lane  
The Flat Park, Yacht Inn  
Park Yacht Inn, Trent Lane  
Daleside Shopfitters, Trent Lane  
A E Industrial And Air Equipment, Trent Lane  
Gunn And Moore, Trent Lane  
McCann Homes Ltd

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

One neighbour response has been received.

Neighbour: Objection. Aware of the overall scheme to Trent Basin and the proposals to develop Phase 2. Initial plans clearly showed an area of greenery in the space between Phase 1 and Phase 2. Although aware that the new build Phase 2 would diminish the river view currently enjoyed, the greenery would have softened this space. The new plans have clearly changed the dynamics from that originally planned and which formed the basis of purchase of plot. Now, instead of greenery in the dividing space, which would have softened the view, there will now be just concrete.

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

**Pollution Control:** No concerns or comments to make in relation to the reserved matters. Other conditions relating to contamination, ground gas and noise on the full application will still apply. The gas protection measure drawings for these

buildings must be submitted before construction commences on site.

**Highways:** To be reported as update.

**Biodiversity:** Have been concerned that this area of the site recognises the riparian corridor provided by the riverside location. This edge of the development must have a relationship with the water, at the very least having a softened edge and absolute minimal provision for diversity of a tree line and grass or shrub verge along the edge. The landscaping details of this phase must relate to the approved ecological enhancement strategy, with the use of native species.

**Environment Agency:** No objection to the reserved matters submission.

**Design Review Panel (25.08.16):** The Panel reviewed an earlier iteration of the proposals for Phase 2. The Panel welcomed the progression onto the second phase of the Trent Basin development and were impressed with the appearance of Phase 1. The Panel advised against the indicated intention to bring cars onto the waterfront and recommended looking at parking to the rear. The Panel appreciated the desire to create a new characterful mews street, running perpendicular to the river edge, but there was a sense that this might be compromised by the location/position of the proposed townhouses onto Trent Lane. The significant opportunity to create a high quality piece of public realm within the scheme was recognised, with the Panel recommending that particular generosity be provided to the waterfront. A rigorous assessment and robust justification for the brick choices was recommended to ensure that they support the strong architectural statement intended.

## **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):**

H2 - Density.

NE5 - Trees.

T3 - Car, Cycle and Servicing Parking.

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

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

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

### **Main Issue**

(i) Layout and Design (Policies 10, H2 and T3)

- 7.1 Condition 4 of the Trent Basin outline planning permission states that the development shall be implemented in accordance with the approved Phasing Plan unless otherwise varied with the consent of the local planning authority. The approved Phasing Plan indicates that the Phase 2 housing would be constructed on this part of the Trent Basin development site. Whilst the original illustrative Masterplan submitted with the outline planning application envisaged the layout of Phase 2 as being a perimeter block, with an access road looping back to Trent Lane and a communal area being developed between Phase 1 and Phase 2, it is noted that this Masterplan was for illustrative purposes only and is not an approved document as part of the outline planning permission.
- 7.2 The proposed layout of Phase 2A has evolved from the illustrative Masterplan submission and increases the density of development within this phase, primarily through the introduction of a mews street. The pedestrianisation and greening of

the riverside edge of the site is a further notable change, which has also altered vehicle access to the proposed houses other than those with a frontage onto Trent Lane.

- 7.3 The proposed layout is compact and therefore places an emphasis upon the quality of design of the houses and public realm. There is a range of 2-bed mews houses and 3 and 4-bed townhouses, all having private roof terraces, balcony and patio spaces. Whilst the townhouses would have short rear gardens similar to those in Phase 1, it is to be noted that the gardens are small and that the pedestrianised and green environment of the riverside edge and semi-private nature of the proposed mews street are also intended to provide shared areas of public realm for occupants of the development. It is therefore considered that the proposed density and layout of development accords with Policy 10 and Policy H2.
- 7.4 By the commitment to provide a pedestrianised and green edge to the riverside, vehicle access and car parking aspects of the layout have consequently become more challenging. The proposal provides a mix of integral garage spaces to the mews houses, forecourt parking to the townhouses that front onto Trent Lane, and pergola covered courtyard parking to the rear of the townhouses that front onto the riverside. One car parking space is provided per dwelling, with four further spaces being made available for visitor use. The access road to between Phase 1 and the proposed Phase 2A is also now to be made up to an adoptable standard, having originally been intended in the illustrative Masterplan as a private road. It is considered that the proposed layout accords with Policy 10 and Policy T3.
- 7.5 It is considered that the proposed layout is an appropriate extension to the first phase of housing development at Trent Basin. Additional emphasis has been placed on the quality of public realm along the riverside, which will benefit the day-to-day amenity of existing and future residents as well as the setting and environment of the development as a whole. Whilst the limitation on private amenity space is noted, it is considered that this compensated for by the quality of the public realm.
- 7.6 The response of the neighbouring resident noting the reduced communal space between Phase 1 and Phase 2A is acknowledged. However, this must be considered in the context of the illustrative status of the Masterplan for the development that cannot be held as binding upon the development. It is, however considered that the design of the access route and courtyard space between Phase 1 and Phase 2A, which includes proposals for tree planting and other landscaping, will successfully soften the appearance and outlook onto this space. It is considered that the layout and design of the proposed houses does not otherwise compromise the amenity of residents of Phase 1.
- 7.7 The design of the proposed townhouses and mews dwellings are considered to be equal in quality to Phase 1, providing varied and interesting street scenes in terms of building form and appearance. The townhouses also have individual design qualities that will subtly distinguish them from Phase 1, with roof forms and projecting front elements being particularly notable. The introduction of the two-storey mews house type and street will provide a further dynamic to the development. It is considered that the design of the proposed dwellings accords with Policy 10.

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

- 8.1 Phase 1 of the Trent Basin development has used a ‘fabric-first’ approach to minimise energy consumption. Dwelling construction is to be highly efficient, significantly reducing annual energy consumption. This is to be achieved through super-high insulation, absolute air tightness and the orientation of buildings to harvest the sun’s energy through south-facing windows. This measure is also independent of renewable energy technologies, which are able to be installed at the purchasers’ request. It is considered that a ‘fabric-first’ approach is an appropriate means to achieve carbon reduction targets and accords with Policy 1.
- 8.2 Significant change has been made to the riverside edge of the proposed development, now designed to be used by pedestrians and cyclists only and with a wide landscaped strip up to the front boundaries of the riverside townhouses. A further landscaped space is to be created at the junction of the riverside walkway and the mews street. The concept of excluding vehicles from the riverside edge and providing softer and landscaped edge to the river will also significantly enhance the opportunity for ecological enhancement and the landscaping details for this phase are expected to reflect this approach, to be in accordance with Policy NE5 and 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**

None.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Ensuring Nottingham’s workforce is skilled.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 16/01542/PRES4 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O9MGPLYKSQ00>
2. Environment Agency, 16.8.16
3. Pollution Control, 16.8.16
4. Biodiversity, 6.9.16

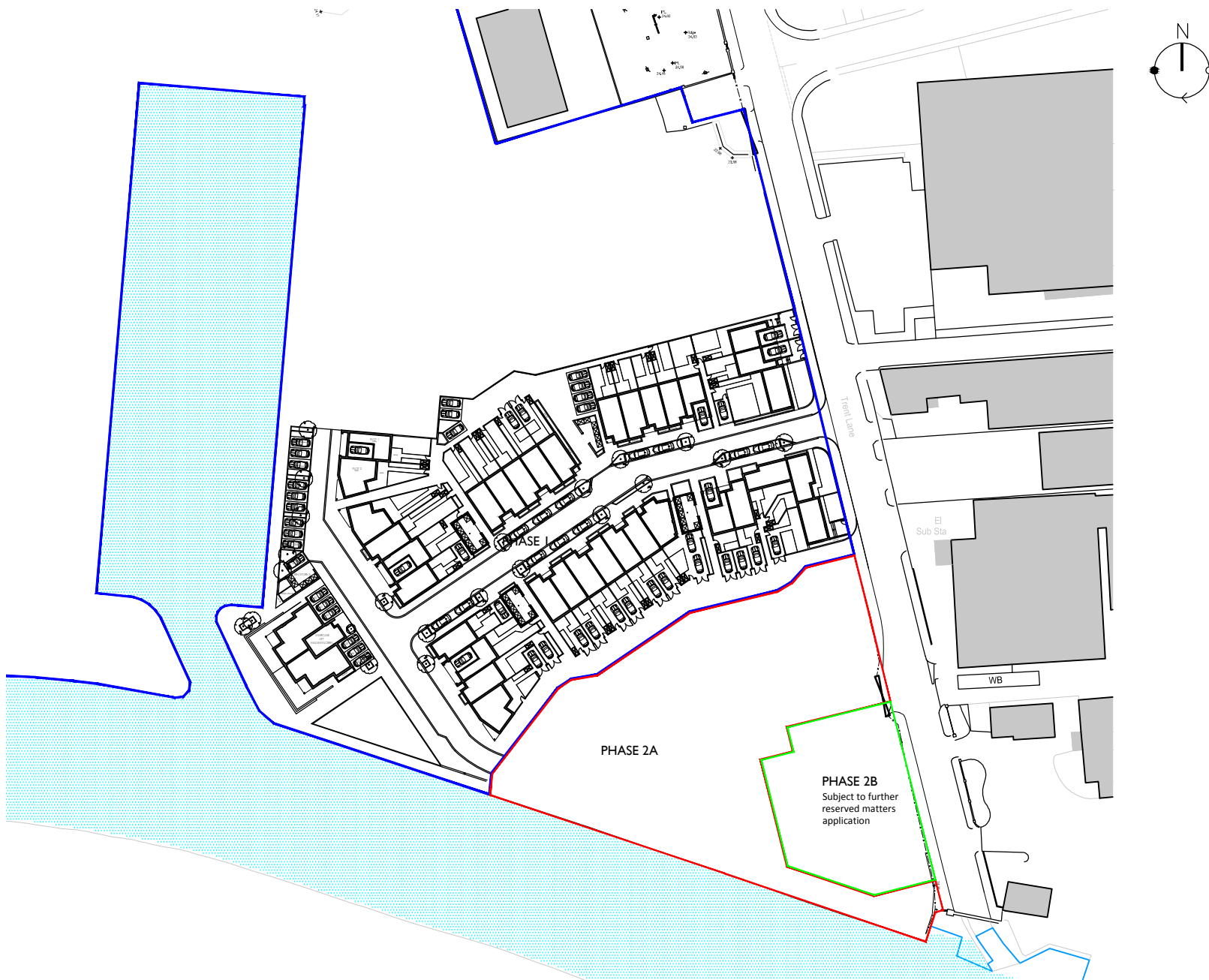
**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

Email: [jim.rae@nottinghamcity.gov.uk](mailto:jim.rae@nottinghamcity.gov.uk). Telephone: 0115 8764074



- notes
1. Refer to figured dimensions, do not scale.
  2. If in doubt refer to the Architect before work starts
  3. All dimensions are to be checked on site
  4. The Architects disclaim responsibility for variations from this drawing made without their written consent
  5. Please ensure that there have been no additional revisions to this drawing before starting work.

revisions

2016.06.29 Rev A - redline altered to suit Urbed's drawing  
 2016.12.14 Rev B aa - redline and green line altered

client	
Blueprint	
job	
Trent Basin Phase 2A	
drawing	
Site Location Plan	
scale	date
1:1250 @ A4	June 2016
no.	revision
15011-PL-00	B
drawn by	

phone\_ 0115 941 1761  
 web\_ marsh-grochowski.com  
 address\_ 37a Sneinton Hermitage, Nottingham  
 NG2 4BT



**WARDS AFFECTED:** Radford And Park

**Item No:**

**PLANNING COMMITTEE**  
**22<sup>nd</sup> February 2017**

## **REPORT OF CHIEF PLANNER**

### **Gate House , 73 Hounds Gate**

#### **1 SUMMARY**

Application No: 17/00082/PFUL3 for planning permission

Application by: Mr Ian McHugh on behalf of Mr A Jacobs, Framework Housing Association

Proposal: Change of Use from Council Offices (Sui-generis) to a Service Hub Providing Adult Support Services (Sui-generis)

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should be determined by 10th March 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 a 2/3 storey split level modern office building which is situated on the western edge of the City Centre between Maid Marian Way and Nottingham Castle. The main entrance to the building is on Hounds Gate, although it has a vehicular access on Castle Gate. 12 car parking spaces are allocated to 73 Hounds Gate. The vehicular access and car park is shared with a number of other premises including World Service, the occupants of Chartwell House and 67 to 69 Hounds Gate.

3.2 The property is currently vacant, but was last used as a council office by the Fostering and Adoption Service. The surrounding area comprises a mix of commercial offices, bars, restaurants and residential dwellings. The site is located within the Castle Conservation Area.

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

4.1 Planning permission is sought for a change of use from council offices to a service hub providing a range of adult support services. The building would be used to bring together the services listed below to form a City Wellbeing Hub, operated by

Framework to promote better co-ordination between the services as they are currently delivered from a number of different locations around the City Centre:

- Nottingham Recovery Network - provides a single point of advice, support and treatment to people in Nottingham who use drugs and alcohol in a problematic way. People can refer themselves to the service or can be referred by a third party such as a doctor or support worker. Staff would support clients through appropriate treatment and offer opportunities to learn and develop. (The Service is currently run from 3 different venues - Kent Street, Broad Street and Upper Parliament Street)
- Wellness in Mind – This service offers support to anyone in Nottingham experiencing issues with their mental wellbeing; it also offers support to family, friends and carers. (Currently run from Clarendon Street)
- EVE – DWP Work Programme – The service provides a range of initiatives to support unemployed individuals into employment and to gain greater independence. (Currently run from Clarendon Street)
- Opportunity Nottingham – Provides intensive support to those in need through provision of their own Personal Development Coordinator. (Currently run from Clarendon Street)
- Clean Slate – Provides advice, information and treatment for alcohol and drug users who have also been involved in crime. (Currently run from Castle Gate)
- City Council's Housing Aid Service – Provision of advice in relation to housing, welfare benefits and debt. (Currently run from Lower Parliament Street)

4.2 It is not anticipated that there would be any evolution in the services provided as part of the Hub. Every proposed user of the building with the exception of the Council's Housing Aid Service is either a Framework service, or a consortium service in which Framework is either a lead partner or a significant partner. Some of the services have been commissioned for a five year period only, and the contracts let do stipulate what the service provision must incorporate. Framework has indicated that they are anticipating taking on a lease of the building for 10 years.

4.3 The majority of people accessing the Hub would be doing so after having been referred by a third party such as a doctor or support worker. A range of services would be provided which would offer advice and support in relation to accessing housing, dealing with debt and also enabling people to gain employment, as well as providing psychological supported treatment (which would also incorporate dispensing medication and writing prescriptions) for drugs and alcohol misuse. Not everyone accessing the services would need treatment for drugs and alcohol misuse, and the drug treatment aspect could be for misuse of prescription drugs as well as illegal ones. Those taking up the services would be making their first steps to recovery from their situation or would be already well on their way to recovery.

4.4 Staff would be able to access the building between 7:00 am and 7:30 pm Monday to Friday and between 9:00 am to 12:30pm on Saturday. Initially it was indicated within the planning documentation that the building would only be open to clients/members of the public between 8:30 am and 5:00 pm. These times have been revised, by the applicant to 9:00 am to 5:00 pm Monday, Tuesday, Thursday and Friday, 9:00 am to 7:00 pm Wednesday and 9:30 am to 12:00 pm on a Saturday.

- 4.5 Public access to the building would be from the main entrance doors on Hounds Gate. The Castle Gate entrance would only be used by those accessing the car park and as an emergency exit. The car park would only be available to clients on a pre-arranged basis. Given the City Centre location which has good public transport facilities it is highly likely that staff and clients would use public transport to access the services.
- 4.6 Initially it was estimated that around 100 clients would visit the building on a daily basis during public opening times. However upon further analysis of the services intended to be located at the premises it is estimated that 135 clients per day would be more in line with current uptake for them, but client numbers could vary according to demand. The majority of clients would attend by appointment, with only about 3 to 5 people arriving to access services without one. It has been indicated that based on current usage rates that the number of clients attending for assessment would be approximately 10 on a weekday and 1 on a Saturday; for drug collection approximately 5-6 clients per day (principally anti-craving medication); and for therapeutic services approximately 60 clients per weekday and 20 on a Saturday.
- 4.7 The principal use of the building would be as staff offices. A total of 160 staff would be based at the building of which only 10-12% would be involved in providing face to face clinical or therapeutic services to clients. The net internal area of the building is 1,913 square metres of which only 3% would be used for clinical consultations and the dispensing of medicine and 7% used to provide psychological therapy treatments.
- 4.8 Framework has indicated that there would be need to dispense some drugs on site such as Vitamin B and drugs used to treat withdrawal symptoms and to assist with cravings. The provision of this aspect of the Hub would be registered with and audited by the Care Quality Commission, which would also cover storage of such medication.
- 4.9 A shared reception area would be provided, which would be manned during opening hours and a waiting area would be provided to clients and any other visitors. Entrances would be monitored by CCTV cameras during opening hours.
- 4.10 The existing use of the premises as a council office is sui-generis i.e. one that does not fall within any of the defined use classes. The provision of a service hub providing adult support services would also be a sui-generis use; to change to or from a sui-generis use requires permission regardless of the existing and proposed uses, and whether or not they are of a similar nature

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

### **Adjoining occupiers consulted:**

66 to 72, 74 and 67 to 69 Hounds Gate

United Services Club Castle Gate

53 to 59 Castle Gate

5 to 7 Castle Road

As the site is located within a Conservation Area and also involves the change of use of a building of more than 1000 sqm, the application has also been advertised in the local press and with a site notice. The expiry date for making a representation was the 8<sup>th</sup> February 2017.

As a result of the publicity 10 letters of objection have been received from both residents and local businesses. A local resident also requested a meeting in relation to the proposal which was attended by 8 local residents. The objections received raise the following matters:

- This area of the City is a centre for tourism, and is set to become increasingly so. The area is now also the location for high class housing and some of the City's most respectable bars. Although the project is to be commended its location is unsuitable.
- The area in which the building is located is a Conservation Area; the negative impact on this area of historical importance cannot be understated. The area has had notable investment from the City, heritage and industry.

The proposal has not made an assessment of the full impact on commercial premises, residents or whether the remediation services offered are effective; it offers no economic benefit. The proposal would draw people to the area which would damage its perception and interest, deterring tourists and visitors.

Whilst Framework Services do exist around the city currently, the locations are not residential or within Conservation Areas. The co-location of services into one hub means that all anti-social issues currently experienced across those sites would be focused and amplified in one area. Framework provides services to homeless people and those with drug addictions, consolidating these into one area will bring begging, street sleeping and drug use to it. The services current location on Friar Lane has become a hot spot for crime and anti-social behaviour.

The area to the back of Gate House building possesses dark areas where people can loiter, hide, sleep and consume drugs. The area surrounding the site is poorly lit with several yards and alleyways, which makes congregation and loitering more likely. The information provided as part of the application itself indicates that loitering, aggression and anti-social behaviour is likely to be an issue, but visitor management provision at the premises is unsubstantiated and unclear.

With the planned footfall of distressed individuals seeking the services or recently receiving drugs, this poses a significant threat to safety and could result in Hounds Gate becoming a user alleyway. The proposal will significantly increase the risk of burglary or assault. The storage of drugs on the premises would make it a high target for burglary and it could be easily envisaged that 24/7 hour security would be required. For commercial properties the impact could increase insurance premiums and also result in the fall of property values. The use may also result in loss of Council Tax/Business Rates and reduce investment in the area. This kind of facility only ever treats the symptom and not the disease; if such facilities are

effective then these kinds of facilities should be reducing rather than increasing.

- As a result of the premises currently being vacant there are regular congregations of individuals on its fire escapes which intimidates visitors and residents.
- The site is located within metres of multiple drinking establishments, bringing vulnerable people to the area does not make sense. The proposal is at odds with environmental health considerations.
- The proposal would increase the amount of traffic within the area, both on foot and by vehicle. The use would generate a large amount of waste, requiring daily collections where the noise and disturbance would impact upon local residents. There would also be noise and disturbance as a result of loitering, aggression and antisocial behaviour. The proposed opening hours would exacerbate such issues.
- It is difficult to see how the shared car parking area off Castle Gate can be adequately secured and managed, given that at least two other businesses share the area.
- There are currently problems associated with car parking in the area, which would be exacerbated by the proposal.
- Concern over the level of detail provided as part of the application is poor, in terms of defining need and how the services would be operated.
- No other locations have been considered for the proposed use.
- There is a potential conflict of interest as the services are being commissioned by the Council.
- Concern over the level of publicity given in relation to the planning application.

**Additional consultation letters sent to:**

**Environmental Health and Safer Places:** There are no proposals for plant, equipment or air handling units. The applicant has proposed certain operating times for staff and the public and as such it is recommended that these are incorporated into any consent.

**Conservation Officer:** This application proposes the change of use of a building within the Castle Conservation Area from council offices to an adult support services hub. The proposed use is located within a modern office building which is accessed from Hounds Gate, a pedestrianized route running between Maid Marian Way and Castle Road. The scheme proposes no notable exterior changes to the building and will therefore have a neutral impact on the special character and appearance of the Conservation Area street scene. The application would therefore comply with the requirements of policy BE12 of the Nottingham Local Plan and section 12 of the NPPF.

**Police Architectural Liaison:** Whilst such service centres or hubs for persons suffering personal or social problems can give way to fear of crime or disorder in reality there are very few reported crimes or disorder incidents. The reported crime and disorder incidents for the existing premises mentioned within the planning application for the last 12 month period 6/2/16 to 6/2/17 have been examined which indicate the following:

- Nottingham Recovery Network:

Kent Street - 1 reported Anti-Social Behaviour (ASB) incident/ no drugs incident reported

Broad Street - No reported ASB or drugs incident reported

Upper Parliament Street - 2 reported ASB incidents/ no drugs incident reported (2 minor low level incidents)

- Wellness in Mind/EVE – DWP Work Programme and Opportunity Nottingham:

Clarendon Street – 1 reported ASB incident/ no drugs incident reported

- Clean Slate:

Castle Gate - No reported ASB or drugs incident reported

- City Council's Housing Aid Service:

Lower Parliament Street – 19 ASB incidents reported/1 drug incident reported (the majority of the ASB reported incidents were from staff members asking for Police assistance to remove persons who were refusing to leave the premises due to housing aid staff being unable to help them

There were no reported incidents of begging, street sleeping or drug use associated with any of the premises.

The above information is based on Police recorded incidents, reported by staff or members of the public. It is acknowledged that if the services had been operating at one location then during the above timeframe there would have been 23 reported incidents of ASB and 1 drugs incident, however it is considered that this number of reported incidents is low and would not cause concerns for the Police.

The Police were also requested to provide data on a Framework service operated from Friar Lane as result of queries being raised by local residents. The Police have advised that there have been no reported ASB or drug related incidents. The only reported incident was domestic. The reported crime and disorder data does not show the facility to be in a crime hot spot.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (NPPF) (March 2012):**

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. In regard to this application the following sections of the NPPF are also of relevance: 1) Building a strong, competitive economy; 2) Ensuring

the vitality of town centres; 8) Promoting healthy communities and 12) Conserving and enhancing the historic environment

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

BE12 - Development in Conservation Areas

**Aligned Core Strategy (ACS) (September 2014):**

Policy 5 – Nottingham City Centre

Policy 10 – Design and Enhancing Local Identity

Policy 11 – The Historic Environment

Policy 12 – Local Services and Healthy Life Styles

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main Issues**

**Issue (i) Principle of Development** (Policy 5 and 12 of the ACS and Promoting Healthy Communities paragraph 70 of the NPPF)

- 7.1 The building's current use as a council office has no restrictions in terms of its operating hours and the level of activity associated with it, and as such the building could be utilised to provide a range of different council services without requiring planning permission. The council services that could be provided at the premises are capable of having similar staffing and visitor levels to those proposed as part of the City Wellbeing Hub. In addition some of the services that would be provided as part of the Hub could be services provided by a council, Housing Aid for example. The previous use of the building therefore shares a number of similar characteristics to the proposed use, which do need to be taken into account when considering this application.
- 7.2 Policy 5 seeks to promote Nottingham City Centre as the region's principal shopping, leisure and cultural destination. Representations from local residents and businesses express the view that the application would conflict with Policy 5 of the ACS; further consideration is given to this under issue (ii) below.
- 7.3 The City Wellbeing Hub forms a key part of Framework's commitments to a number of commissioning groups such as the City Council Commissioner, NHS, Department of Works and Pensions and the City Crime and Drug Partnership. Local Authorities and Clinical Commissioning Groups have a duty to carry out joint strategic needs assessments of health and wellbeing in their area so that can put in place services that meet those needs. The provision of the Hub would support the aims of paragraph 70 of the NPPF in terms of delivering services the community needs. Policy 12 also seeks to ensure that such services are located within the City Centre and where possible encourages them to be located alongside or shared with other services. Furthermore the policy promotes integrated agency working in order to make more efficient use of resources.

- 7.4 As the proposal accords with Policy 12 of the ACS and paragraph 70 of the NPPF, and the use shares similar characteristics to the previous council office use, the proposal is considered to be acceptable in principle.

**Issue (ii) Impact on the City Centre** (Policies 5 and 10 of the ACS, and paragraphs 19 (Building Strong, Competitive Economy) and 23 of the NPPF (Ensuring the Vitality of Town Centres))

- 7.5 The objections received from local residents and businesses express concerns that the negative perception created by the proposal may lead to a reduction in investment in the area and affect the local economy and the vitality of the City Centre. This is based on a perception that the proposal would cause an increase in crime and anti-social behaviour in the area, that would raise public safety concerns.
- 7.6 The Police have provided details of the number of reported incidents at the existing premises of the services that would be operated from the Hub. The Police have commented that the number of incidents at these premises is very low. Even co-locating the services would not on the basis of this evidence cause the Police to have public safety concerns. It is noted that the service that currently experiences the most number of reported incidents is the Council's Housing Aid Service; as this is a Council run service it could occupy the premises without planning permission. The Police have also indicated that none of the existing locations for the services are known for street sleeping, begging or loitering.
- 7.7 On the basis of the information provided by the Police it is not felt that the proposal would result in crime and anti-social behaviour that would raise public safety concerns. A condition could be used to restrict the permission to the services currently proposed. Overall it is not considered that the proposal would conflict with promoting the area as a cultural and tourist destination or affect the vitality of the City Centre. The proposal therefore complies with Policies 5 and 10 of the ACS and paragraphs 19 and 23 of the NPPF.

**Issue (iii) Residential Amenity** (Policy 10 of the ACS)

- 7.8 The current authorised use of the building is as a council office, where the level of activity, noise and disturbance associated with such a use would be very similar to that of the proposed use. As a result it is not considered that the proposal would result in any noise and disturbance over and above that which would be experienced if the premises were still used as a council office. The proposal does not therefore conflict with Policy 10 of the ACS.
- 7.9 It is noted that Environmental Health have suggested that the opening hours of the building should be restricted. However because the council office use is currently unrestricted it is considered, despite the presence of residential properties on Castle Gate, that in planning terms it would be unreasonable to place such restrictions on the proposed use.

**Issue (iv) Castle Conservation Area** (Policy BE12 of the NLP, Policy 11 of the ACS and paragraphs 131 to 134 of the NPPF)

- 7.10 No physical alterations are proposed to the premises and the level of activity associated with the proposal would not be substantially different to the current authorised use of the building. The proposal would have a neutral impact on the Castle Conservation Area with regard to the desirability of sustaining and



enhancing its significance, character and appearance, and as such would not conflict with Policy BE12 of the NLP, Policy 11 of the ACS or paragraphs 131 to 134 of the NPPF.

### **Other Matters**

- 7.11 It is not considered that the proposal would give rise to an increased demand in car parking that could not be accommodated within the existing car park. Given the location of the site and the services to be provided it is more likely that staff and clients would make their way to the site by public transport.
- 7.12 The level of information submitted has been sufficient to identify and understand the planning issues raised by the proposal. A number of the issues raised by local residents and businesses relate to the day to day management and operation of the Hub and the area in general, which are not matters that can be controlled through the planning system. Framework have been made aware of the concerns and have reiterated that wherever they deliver services they seek to establish working relationships with neighbouring businesses and residents, as they are aware of the perceptions and sensitivities associated with the nature of their work.
- 7.13 The application was publicised in accordance with statutory requirements and therefore no planning issues are raised in this regard.

### **8. SUSTAINABILITY / BIODIVERSITY**

No sustainability or biodiversity issues are raised by the proposal.

### **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**

An Equal Nottingham providing inclusive and accessible services

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

The potential issues in regard to crime and disorder have been considered within paragraphs 7.6 to 7.8 above.

**15**    **VALUE FOR MONEY**

None.

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

1. Application No: 17/00082/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OJPSC1LYJT100>

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

Nottingham Local Plan (November 2005)

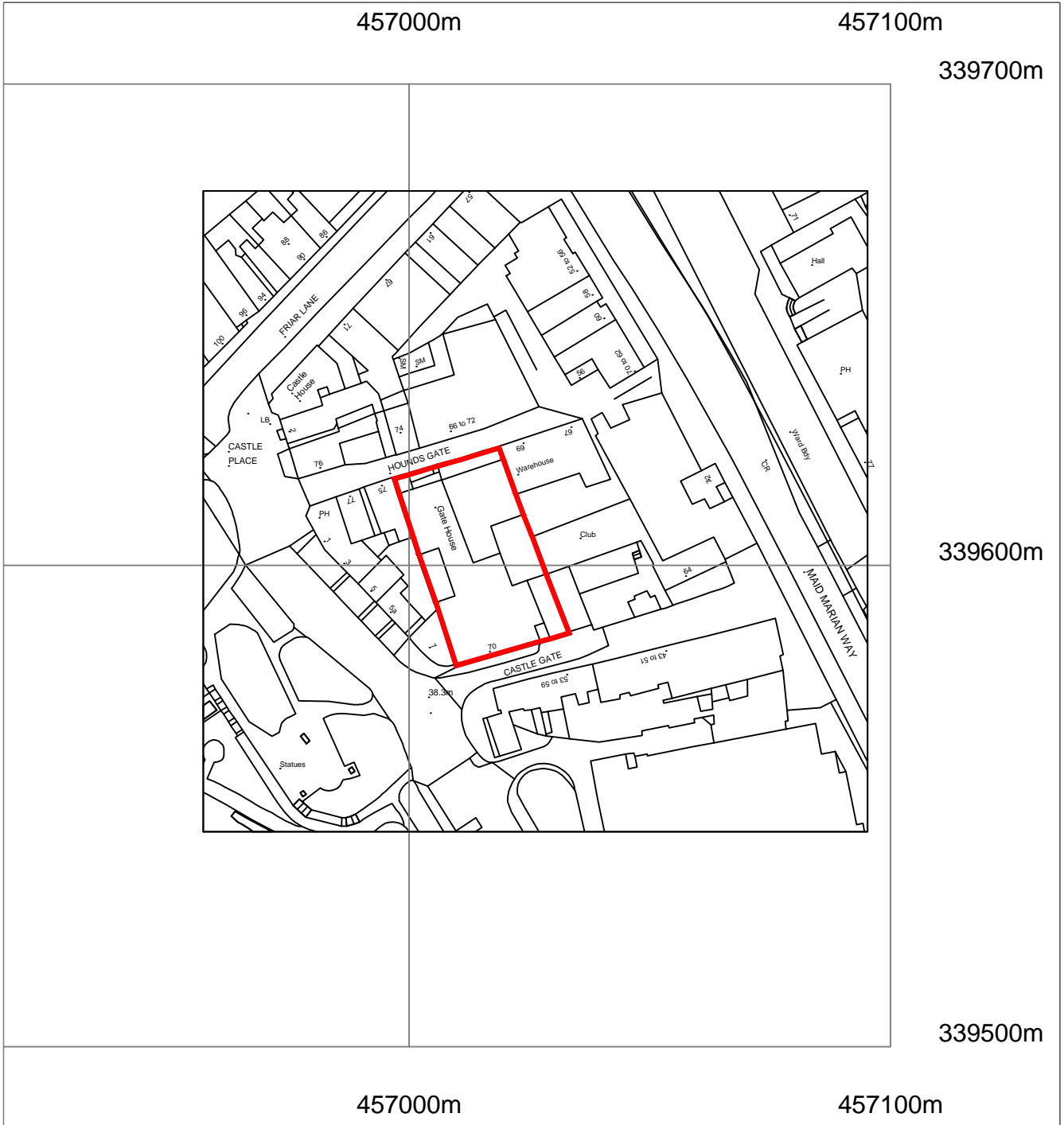
Aligned Core Strategy (September 2014)

National Planning Policy Framework (March 2012)

**Contact Officer:**

Miss Jennifer Cole, Case Officer, Development Management.

Email: [jenny.cole@nottinghamcity.gov.uk](mailto:jenny.cole@nottinghamcity.gov.uk).    Telephone: 0115 8764027

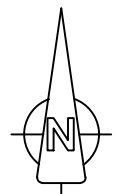


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GATE HOUSE HOUNDS GATE/CASTLE GATE NOTTINGHAM NG1 6BB

Location Plan

Scale 1:1250 at A4



**My Ref:** 17/00082/PFUL3 (PP-05751265)  
**Your Ref:**  
**Contact:** Miss Jennifer Cole  
**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

Mr Ian McHugh  
20  
Attewell Close  
DRAYCOTT  
DE72 3QP

Date of decision:

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

Application No: 17/00082/PFUL3 (PP-05751265)  
Application by: Mr A Jacobs  
Location: Gate House , 73 Hounds Gate, Nottingham  
Proposal: Change of Use from Council Offices (Sui-generis) to a Service Hub Providing Adult Support Services (Sui-generis)

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>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
<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)
There are no conditions in this section.
<b>Regulatory/ongoing conditions</b> (Conditions relating to the subsequent use of the development and other regulatory matters)
2. The premises shall only be used by Framework and the following services Nottingham Recovery Network, Wellness in Mind, EVE/DWP Work Programme, Opportunity Nottingham, Clean Slate and Nottingham City Council Housing Aid Service, unless otherwise prior agreed in writing by the Local Planning Authority.



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**Not for issue**

Page 68

Continued...

*Reason: To prevent the evolution of the services proposed as part of the City Wellbeing Hub in form that could affect the level of crime and disorder experienced in the locality to comply with Policy 10 of the Aligned Core Strategy.*

**Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
Other reference PLANNING STATEMENT revision January 2017, received 16 January 2017  
Other reference FRAMEWORK STATEMENT revision January 2017, received 27 January 2017  
Other reference PLANNING UPDATE, received 7 February 2017

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

**Informatives**

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: 17/00082/PFUL3 (PP-05751265)

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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- 3 -

WARDS AFFECTED: Mapperley

Item  
No:

**PLANNING COMMITTEE**  
**22<sup>nd</sup> February 2017**

## **REPORT OF CHIEF PLANNER**

### **2 Private Road, Nottingham**

#### **1 SUMMARY**

Application No: 16/02151/PFUL3 for planning permission

Application by: Mr Andrew Pike

Proposal: Single storey side extension. Increase in number of child places from 47 to 62.

The application is brought back to Planning Committee following a deferral at the January meeting.

#### **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 This application was considered at the January meeting of the Planning Committee, where a decision was deferred to allow Councillors the opportunity to visit the site.

3.2 The details of the proposal, a summary of the consultations and comments received, and an assessment of the merits of the proposals against the policies of the development plan and other material considerations, are set out in the report to the January meeting and Update Sheet, and appended hereto.

3.3 Since the January meeting a highways report has been received, commissioned by the Private Road Members Association (PRMA). The accompanying email notes that many residents felt that the input from the Council's highway officers lacked sufficient rigour. The email also notes that: "It will be of interest to note that, since the planning meeting, the situation at the nursery has been much altered by a number of circumstances, including a ban on staff parking and bussing children in from other sites. The net result is that activity and traffic levels have been reduced almost to zero, even at collection and dropping-off times. Consequently, members of the Planning Committee who may have attended the site will not have been able to judge for themselves the difficulties experienced and expressed in the many objections submitted to the City Council. This is, perhaps, a pity."

3.4 The highways report makes the following conclusions:

- Private Road is not an adopted highway but the planning authority has a duty to regulate conditions on private land, especially those that create dangerous conditions for members of the public, walking, cycling or driving.
- It is a recommended route for cyclists on Nottingham City Council's Cycle Map;
- It is severely substandard in its provision for road users, being 6.4m when it should have a width of 9.5m, leading to pedestrians walking in the road ;
- Visibility is around 5m at the access but splays of at least 25m should be provided;
- The increased travel demand may be relatively modest but due to the substandard conditions there is a real risk of road safety problems being introduced;
- Whilst the plans show three additional spaces, in reality there would be no change;
- The plans do not demonstrate how waste will be handled;
- The increased demand for parent and staff parking will not be catered for. This will lead to parking on Private Road, causing conflicts with existing road users;
- In view of the vulnerability of children attending a nursery, a precautionary approach should be taken;
- More children at the nursery will increase the travel demand and interactions between existing road users will increase;
- Planning policy requires an applicant to demonstrate safe and suitable access for all road users;
- This has not been proven and so the application should be refused on transport grounds.

3.5 Further observations have been sought from the Council's highway officers in response to the contents of the report. They advise:

- The Council's Road Safety team has assessed the planning application and is happy that the proposal (with an increase in child numbers to 70) is safe from a highway perspective.
- The widening of the access to 4.8 metres will improve intervisibility between vehicles and between vehicles and pedestrians. If considered necessary visibility could be increased further by providing an additional 2m x 2m splayed access by splaying the wall.
- The council's Road Safety Team is not aware of any road traffic accidents at this location on Private Road. However, further information is being sought from the Police in this regard and if further information is available an update will be given at the meeting.
- The current planning application is to increase the numbers of children from 47 to 62 – 15 extra children. The nursery is already in operation. The car park has sufficient area for 12 car parking spaces. The Nottingham Emerging Local Plan requires a maximum parking provision of 1 space per 8 children. The 6Cs guidance is a maximum of 1 space per 6 children.



Even on the 6Cs guidance this is a maximum of 10 car parking spaces. For the Emerging Local Plan the maximum parking requirement is 8 spaces. The applicant is actually providing an over provision of parking and as such the parking provision will be acceptable to meet the needs of the nursery.

- Bin storage could be provided on the 'meadow' area (adjacent to the car park) or parking could even be reduced to provide improved accessibility to the bins.

3.6 Further comments from the applicant, in response to the highways report, have also been received:

- The Hollies Day Nursery is a member of the Private Road Members Association, but was not included in or consulted on this report.
- The report does not consider how residents park and use their own vehicles and whether this poses a risk, or delivery drivers who are not associated with the nursery. Other roads in Sherwood suffer from the same issues.
- There are 83 objections however there are only 18 households represented of these objections of the 88 residential properties. A resident has informed the applicant that they have been 'hounded' to join in with the other objectors.
- There is a suggested 15mph speed limit on Private Road.
- The report is incorrect. Government ratios dictate that the number of staff needed for 15 children of pre-school age is 2, (1:8) not 5.
- The nursery has WPL for one member of staff. Others park elsewhere or do not own cars due to low salary levels within the sector.
- CCTV footage is being prepared to demonstrate that the car park is perfectly adequate.
- The existing space for bins is adequate but they can be accommodated elsewhere if necessary.
- There are three other nurseries nearby that have no parking at all, or less than the Hollies.
- There have never been any accidents on Private Road involving parents/children attending the nursery.
- The application will provide 15 more child places for working parents looking forward to taking advantage of the increase in hours free funding from 15 to 30. Numbers will not necessarily increase but current children will attend for longer.

#### **4 CONCLUSION**

It is considered that the overall assessment of the merits of the application remains as set out in the previous report. It is considered that the advice from the Council's Highways team is robust and that, on balance, the original recommendation to grant planning permission remains appropriate.

#### **5 FINANCIAL IMPLICATIONS**

None.

**6 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.

**7 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**8 RISK MANAGEMENT ISSUES**

None.

**9 STRATEGIC PRIORITIES**

None.

**10 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**11 VALUE FOR MONEY**

None.

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

1. Application No: 16/02151/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ODMWO8LYIML00>

2. Committee report and update sheet January 2017 and background papers as listed therein.

3. Email from PRMA dated 9/2/17

4. ADC Infrastructure Report dated 8/2/17

5. Further highways comments email dated 10/2/17

6. Email from applicant dated 14/2/2017

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

Nottingham Local Plan (November 2005)

Aligned Core Strategies (2014)

National Planning Policy Framework (2012)

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

Email: [zoe.kyle@nottinghamcity.gov.uk](mailto:zoe.kyle@nottinghamcity.gov.uk). Telephone: 0115 8764059

# NOMAD printed map

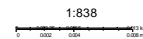


## Key



City Boundary

Nomad web map printed by a Nomad user at 09:27, 10/01/2017



## Description

No map description

**My Ref:** 16/02151/PFUL3 (PP-05301401)

**Your Ref:**

**Contact:** Mrs Zoe Kyle

**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

Mr Andrew Pike  
31 Grange Road  
Nottingham  
NG5 4FU

Date of decision:

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

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Application No: 16/02151/PFUL3 (PP-05301401)  
Application by: Mr Andrew Pike  
Location: 2 Private Road, Nottingham, NG5 4DB  
Proposal: Single storey side extension. Increase in number of child places from 47 to 62.

---

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>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
<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)
2. Notwithstanding the details shown on the submitted plans, the development hereby permitted shall not commence until details of the car park layout, which shall include provision of one disabled parking space, has been submitted to and approved in writing by the Local Planning Authority.  <i>Reason: In the interest of highway safety in accordance with Policy 10 of the Aligned Core Strategy.</i>



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**DRAFT <sup>1</sup> ONLY**

**Not for issue**

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Continued...

3. Notwithstanding the details shown on the approved plans, the development hereby permitted shall not commence until large scale drawings to demonstrate the alterations to the vehicular access, including alterations to the boundary wall and any replacement gates, have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and to protect the character and appearance of the Conservation Area in accordance with Policy 10 of the Aligned Core Strategy and Policy BE12 of the Local Plan.*

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

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 and NE6 of the Local Plan.*

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

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

5. Unless the Local Planning Authority has otherwise agreed in writing to the use of alternative materials, the walls of the extension hereby permitted shall be finished with render of a colour and texture to match that used on the walls of the existing building and the roof of the extension hereby permitted shall be constructed from tiles of a colour, size, texture and pattern to match those used on the roof of the existing property.

*Reason: To ensure that the appearance of the development is satisfactory 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)

6. The day nursery, as extended or otherwise, shall not accommodate more than 62 children at any time.

*Reason: To safeguard the amenities of the occupiers of neighbouring properties 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:  
Drawing reference PLANS AND ELEVATIONS revision amended, received 29 November 2016  
Drawing reference PROPOSED CAR PARK LAYOUT, received 29 November 2016  
Other reference PLANNING STATEMENT, received 29 November 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 applicant is advised to contact the Tree Officer, Edmund Hopkins on 0115 8764054 (edmund.hopkins@nottinghamcity.gov.uk) in respect of condition 4.

3. 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.

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: 16/02151/PFUL3 (PP-05301401)

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.



# DRAFT ONLY

## Not for issue



WARDS AFFECTED: Mapperley

Item No:

**PLANNING COMMITTEE**  
**18th January 2017**

## REPORT OF CHIEF PLANNER

### 2 Private Road, Nottingham

#### **1 SUMMARY**

Application No: 16/02151/PFUL3 for planning permission

Application by: Mr Andrew pike

Proposal: Single storey side extension. Increase in number of child places from 47 to 62.

The application is brought to Committee because it has generated significant public interest that is contrary to officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 14th 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 2 Private Road is a detached property located on a corner plot at the junction of Private Road and Mansfield Road. The property is currently in use as a day nursery and has associated car parking to the rear. The property falls within the Mapperley Park/Alexandra Park Conservation Area. There are a number of mature trees within the site. The site is enclosed by a brick wall along the Private Road and Mansfield Road frontages.
- 3.2 Planning permission was initially granted in June 1992 for a change of use of the property from flats to a private day nursery, including a series of alterations and extensions (Ref. 92/01372/PFUL3). A condition was imposed upon the permission restricting the number of children within the nursery to 25. An application to vary this condition and increase the number of children from 25 to 31 was approved in January 1997 (Ref. 96/01610/PVAR3). A further application to increase the number of children to 40 was refused in February 1998 (Ref. 97/01665/PVAR3) but was allowed on appeal. In 2008 permission was granted for a further increase in the number of children from 40 to 47 (Ref. 08/03643/PVAR3). Permission was granted in 2010 for single storey extensions to the building (Ref. 10/04015/PFUL3). The extensions have been completed and are occupied.



## **4 DETAILS OF THE PROPOSAL**

- 4.1 The application seeks permission for a single storey extension to the north side of the building, in front of the existing side extension. The extension would facilitate an enlargement and reconfiguration of existing facilities. The proposal also includes an increase in the number of child places available at the nursery. The original proposal sought an increase from 47 to 70 places. Following negotiations, this has been reduced to 62 places.
- 4.2 The proposals also include alterations to the car park layout and the widening of the vehicular access into the site off Private Road.

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

### **Adjoining occupiers consulted:**

43 addresses were consulted on 11.10.16 as follows;

1, (rooms 1-8 and flats 1 and 2), 1A, 3 (flats 1-4), 4, 30 (flats 1 and 2) 30 Private Road  
476, 476A, 478, Grange Dental Clinic 480A Mansfield Road  
Flats 1-16, Warwick Mount, Mansfield Road  
Flats 1-12, Warwick Towers, Mansfield Road  
Sherwood Methodist Church, Devon Drive

A site notice was posted on 20.10.16 and a press advertisement was published on 19.10.16.

Neighbours were re-notified on 30.11.16 following receipt of further information in support of the application. Letters were sent to the following addresses in addition to the above, following receipt of initial representations from occupiers of these properties;

1, 14 and 22 Victoria Crescent  
6, 10, 18, 18A, 19, 20, 20A, 21A, 22, 39, The Lanterns (42) and 48 Private Road  
1-3 Yew Close

76 representations via letter, email and on-line comment, were received in relation to the application, raising the following objections to the proposed development:

- An increase in the number of vehicles will cause further obstruction and congestion on Private Road, which due to its narrow width, already experiences bottlenecks with cars entering from Mansfield Road.
- Access to the site is already dangerous due to the narrow opening
- The proposals will increase the risk to pedestrian safety
- The increase in car parking spaces is not proportionate to the proposed increase in child places
- Commercial waste collections, once a week, impact on the residential area. An increase will exacerbate this
- The additional children will result in increased noise and disturbance for residential occupiers
- Increased activity on Private Road will impede upon other residents' right to free passage along Private Road
- The use is not sustainable or appropriate within a Conservation Area

- The road is un-adopted and as such residents are responsible for maintenance. Over- usage by the nursery impacts on other residents
- Users of the nursery park inconsiderately on Private Road, blocking access to neighbouring residential properties
- The increased car usage will impact on air quality
- The proposal will devalue property in the area
- Consultation in the local community should be wider
- The boundary wall on private Road is dangerous
- The extension would be detrimental to the appearance of the building
- Planning department are insensitive to commercial operations on Private Road e.g. Children's home
- Previous applications have been refused due to impact on the highway
- The original plans were poor
- The car park layout is poor and not operational
- Statements about staff parking are only recently found to be true, following the submission of the application. What is to stop them parking on the street again after the application has been determined.
- The information submitted with the application in relation to awards and government funding is not relevant.
- The nursery should be sited in an area which is accessible to its users on foot.

**Additional consultation letters sent to:**

**Pollution Control:** No objection.

**Highways:** No objection. It is important to note that Private Road is just that, private. Nottingham City Council does not have any control over Private Road. As such we can only object to this proposal if it was felt that the extension of the nursery was having a detrimental impact on the nearest public highway, being Mansfield Road. This proposal will not have a detrimental impact on the **public** highway.

Whilst the increase in child places at the Hollies Day Nursery raises no objections from a highways perspective, it is important to ensure that the car park operates satisfactorily in the interests of highway safety. The proposal to increase the size of the vehicular access point to the nurseries car park to 4.8 metres is welcomed as it will allow accessing and egressing vehicles to pass at the entry point and prevent vehicles having to wait on the highway until the access point is clear. The car park layout is considered to be satisfactory but it will be necessary to provide one disabled parking space and a condition to secure this is therefore recommended. The applicant has submitted a Travel Plan to indicate the travel choices of existing staff and parents and a survey of the number of vehicles in the car park at the busiest periods of the day. Based upon this information, it is accepted that the car park can accommodate all vehicles associated with the nursery even with the extension to the nursery.

**Conservation and Urban Design:** No objection. The scale, form and use of materials to match are such that the extension would have a minimal impact, both on the host building and the special character of the Conservation Area.

**Tree Officer:** No objection. A condition requiring the submission of an Arboricultural Method Statement is recommended.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

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.

Section 12 of the NPPF relates to the conservation and enhancement of the historic environment. Paragraph 131 of the NPPF advises that, in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

### **Aligned Core Strategy**

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

Policy 1: Climate Change

Policy 10: Design and Enhancing Local Identity

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

BE12 - Development in Conservation Areas. Seeks to preserve or enhance the character and/or appearance of conservation areas.

NE5 - Trees. Seeks to protect existing trees and secure additional planting by the imposition of planning conditions or through planning obligations.

T3 - Car, Cycle and Servicing Parking. Seeks to minimise car parking levels on new development sites subject to criteria on neighbour amenity, public transport provision, generation of extra traffic, land use and likely levels of car ownership.

CE1 - Community Facilities. Allows for new or improved community facilities where they would be easily accessible by a choice of means of transport, where they are well located to the community they serve or within centres, where they are compatible with adjacent uses, where they would not cause congestion or adversely affect residential amenity.

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

### **Main Issues**

- (i) Impact on the character and appearance of the Mapperley Park/Alexandra Park Conservation Area
- (ii) Impact on residential amenity
- (iii) Impact on highway and pedestrian safety
- (iv) Parking
- (v) Impact on trees

### **Issue (i) Impact on the character and appearance of the Mapperley Park/Alexandra Park Conservation Area (Section 12 of the NPPF and Policy BE12)**

- 7.1 Policy BE12 seeks to ensure that new development preserves or enhances the character or appearance of conservation areas. The existing building at 2 Private Road is a 19<sup>th</sup> century detached villa that has been altered and extended a number of times to provide additional floorspace. The most significant elevation faces west onto Mansfield Road and has essentially retained its historic form. The proposed extension is a small single storey addition with a lean-to roof which would be seen immediately to the left of the principal elevation and would run across the north elevation. Its scale, form and use of materials to match are such that it would have a minimal impact, both on the host building and the special character of the Conservation Area. It is therefore felt that the proposed extension would comply with policy BE12 of the Nottingham Local Plan and section 12 of the NPPF.
- 7.2 As the day nursery is an established commercial use, it is not considered that the proposals to increase the number of child places, would have any significant additional impact upon the character of the Mapperley Park/Alexandra Park Conservation Area, particularly given the presence of a further commercial use (Dental Clinic) on the opposite corner of Private Road and Mansfield Road.

### **Issue (ii) Impact upon residential amenity (Policy 10 of the ACS)**

- 7.3 Concerns have been raised by neighbouring residents regarding the proposed increase in the number of child places. The original increase to 70 places was felt to be over-intensive, particularly when considering the smaller, incremental increases in the size of the nursery over the last 20 years or so. Taking account of the concerns raised by residents, a smaller increase was negotiated with the applicants and a total of 62 places is now proposed, representing a 32% increase overall. Whilst the proposed addition of a further 15 child places will result in some increase in comings and goings to and from the property, the nature of the operations of a day nursery is such that they do not have a fixed start and finish time. The arrivals and departures from the nursery would therefore be staggered within drop-off and collection windows of approximately 2 hours. As such, it is not considered that the consequential impacts upon neighbouring residential occupiers would be significantly greater than the existing situation. A condition to restrict child places to 62 is recommended as it is considered that any further increase in numbers could have a material impact upon the amenities of neighbouring occupiers and upon traffic and parking
- 7.4 The proposal also includes the provision of an extension to the property which would provide additional space for the extra children. The property has substantial

outdoor play space to the front of the building, on the Mansfield Road frontage. Given the location of the property on the corner of Private Road and Mansfield Road, which is a main arterial route into the city, a level of background noise during the daytime is to be expected. As such, it is not considered that the increase in child places would result in significant additional noise and disturbance for neighbouring residential occupiers.

- 7.5 The proposed extension would be single storey and in keeping with the height of the existing single storey extensions to the side of the property. Given its location within the site, it is not considered that it would have any detrimental impact upon neighbouring properties in terms of overbearing impact or impact upon light.
- 7.6 Residents are concerned that the proposed increase will result in more waste and more waste collections. They state that the nursery already have a weekly commercial waste collection which is more frequent than the fortnightly domestic collections. Whilst an increase in numbers may result in some additional waste, it is not anticipated that this will warrant any further waste collections. A weekly commercial waste collection is considered to be reasonable in a residential area. In view of the above it is considered that the proposed development would comply with policy CE1 of the Local Plan and Policy 10 of the Aligned Core Strategy.

**Issue (iii) Impact upon highway and pedestrian safety (Policy 10 of the ACS)**

- 7.7 Private Road is un-adopted and is maintained at the expense of the residents of Private Road. As such, the Highway Authority does not have control over the road. Notwithstanding this, the Highway Authority still has a duty to consider highway and pedestrian safety. The majority of objections received in relation to the proposed development relate primarily to impact upon the traffic and congestion on Private Road, claiming that the existing situation is poor and will only be exacerbated by the proposals. One of the main contributing factors to this is the narrow access into the site, which means that cars cannot enter and egress the site simultaneously.
- 7.8 In response to these concerns, the applicant has put forward proposals to increase the width of the vehicular access to 4.8m to allow simultaneous entry and egress. Taking account of this and the lesser increase in child numbers which is now proposed, it is not considered that the proposed development would have any significant additional impact upon highway safety. The widening of the access would also provide greater visibility for pedestrians accessing or exiting the site. Given the narrow width of Private Road and the location of the site on a corner, vehicles generally, do not approach the site at great speed. As such, it is not considered that the proposal would significantly increase the risk to pedestrian safety.
- 7.9 The applicant has provided data in relation to the travel methods of its customers. Whilst the majority do arrive by car, some do use public transport and arrive on foot. A recent Officer observation of the site during the peak drop off period has confirmed this to be accurate. As such, whilst the number of child places will increase, this is unlikely to translate to an equivalent increase in the number of vehicles arriving at the site. Similarly, additional nursery places may be taken up by siblings of children who already attend the nursery.
- 7.10 In view of the above, whilst it is acknowledged that the proposals may have some impact upon the number of cars arriving at the site during peak drop-off and collection times, it is felt that the lesser increase to 15 additional places will go

some way to overcoming residents concerned. The proposed works to improve the site access will also address current problems of congestion on Private Road. As such, the proposal is considered to comply with Policy 10 of the Aligned Core Strategy. A condition to control the details of the widening of the access is recommended.

- 7.11 One resident has raised concern that the proposal would reduce air quality in the area due to increased traffic. As discussed above, the increase in traffic to the site is unlikely to be so significant as to have a significant and material impact upon the air quality on Private Road.

#### **Issue (iv) Parking (Policy T3 of the Local Plan)**

- 7.12 A revised parking layout has been submitted. Local residents are concerns that the number of additional spaces to be provided (3) is not proportionate in percentage terms to the increase in number of children. Firstly, the number of additional child places has been reduced since consultation with residents were carried out, taking the percentage increase down to 32%. Residents have quoted the percentage increase in car parking spaces as 25%. Given that evidence has been provided by the applicant to demonstrate that not all children arrive at the nursery by car, the level of parking proposed is sufficient.
- 7.13 Highway Officers have noted that none of the car parking spaces are appropriate for use by disabled persons. A minimum of 1 car parking space should be provided for disabled parking and marked out accordingly. A condition to secure this is recommended. Highway Officers have confirmed that the car park has been laid out appropriately to allow vehicles to access and egress all spaces safely.
- 7.14 Some concern has been raised in relation to the shortage of spaces in the car park due to staff parking and in relation to users of the nursery parking in the street. The applicant has submitted a Travel Plan to indicate the travel choices of existing staff and parents and a survey of the number of vehicles in the car park at the busiest periods of the day. Provided this is a true reflection of the travel choices and times of travel of the staff and parents of the nursery, then it is accepted that the car park can accommodate all vehicles associated with the nursery even with the extension to the nursery. Residents are also concerned that staff have changed their parking habits since the submission of the application, now parking away from the site or arriving on foot in order to mask problems. The changes are considered to be positive and any future deviation from the current arrangement cannot be speculated.

#### **Issue (v) Impact on Trees (Policy NE5 of the Local Plan)**

- 7.15 The proposal would not result in any direct harm to trees within the site. A condition requiring the submission of an Arboricultural Method Statement is recommended to ensure that trees will be adequately protected throughout the development.

#### **Other Matters**

- 7.16 Residents have raised concern in relation to the impact upon property value. This is not a material planning consideration and as such cannot be afforded weight in the determination of this application. Some residents also feel that the extent of consultation on this application was not sufficient. Consultation was carried in line with statutory requirements for development in a Conservation Area; immediate

neighbours were notified, a site notice was displayed on Private Road and the application was advertised in the local press. Further letters were sent to anyone who had registered interest in the application initially, following receipt of additional information. Consultation deadlines were also extended to allow more time for residents to respond. It is felt that the consultation carried out is sufficient.

- 7.17 The boundary wall on Private Road is of concern to a number of local residents. The Dangerous Structures team within the Council were contacted when this issue was first raised during the consultation process and an inspection of the wall was carried out by engineers. Engineers concluded that the wall is partly retaining and in a poor condition, with eroded brickwork, but appears to be in a stable condition. Action can only be taken if the condition of the wall is such that it represents a danger to the general public. Engineers have advised that they will continue to carry out regular inspections of the wall when in the area.
- 7.18 One resident referenced a children's home on Private Road and the Council's approach to commercial development on Private Road. The Children's home in question did not require planning permission. Irrespective of this, the application site is an established day nursery and the Local Planning Authority is required to assess the proposed development on its own merits.
- 7.19 Finally, concerns have been raised by residents in relation to additional information submitted by the applicant including details of awards and government policy. These documents have been submitted to support the application as a means of justification for the increased numbers. However, the application has been considered against National and Local Planning Policy only, in addition to any other materials considerations. The policy in relation to childcare provision has not informed this recommendation.

## **8. SUSTAINABILITY / BIODIVERSITY**

Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. It is considered that this is sufficient to satisfy the requirements of Policy 1.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

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

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

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

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 16/02151/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ODMWO8LYIML00>

2. Conservation Officer comments dated 10.11.16

3. Highway Officer comments dated 19.12.16

4. 1 x representation received 22.10.16

5. 5 x representations received 27.10.16

6. 4 x representations received 31.10.16

7. 3 x representations received 1.11.16

8. 1 x representation received 2.11.16

9. 1 x representation received 3.11.16

10. 2 x representations received 4.11.16

11. 7 x representations received 7.11.16

12. 3 x representations received 8.11.16

13. 3 x representations received 9.11.16

14. 2 x representations received 14.11.16

15. 3 x representations received 17.11.16

16. 2 x representations received 30.11.16

17. 1 x representation received 5.12.16

18. 1 x representation received 8.12.16

19. 2 x representations received 10.12.16

20. 6 x representations received 12.12.16

21. 1 x representation received 13.12.16

22. 3 x representations received 14.12.16

23. 1 representation received 15.12.16

24. 21 x representations received 19.12.16

25. 2 x representations received 21.12.16

26. 1 x representation received 23.12.16

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

Nottingham Local Plan (November 2005)

Aligned Core Strategies (2014)

National Planning Policy Framework (2012)

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

Email: [zoe.kyle@nottinghamcity.gov.uk](mailto:zoe.kyle@nottinghamcity.gov.uk). Telephone: 0115 8764059



## PLANNING COMMITTEE

### UPDATE SHEET

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

18 January 2017

#### **4b 2 Private Road**

1. A further 7 written representations expressing objections to the proposed development have been received. The reasons for objection are as follows:
  - The development would be out of keeping with the conservation area, and demolition of walls is contrary to the conservation area management plan
  - The increased no. of vehicles accessing 2 Private Road would pose a serious risk to the safety of pedestrians and cyclists. The likelihood of a fatal accident would be significantly increased
  - Private Road has been designated as a cycling 'safe route'. The proposal would pose a threat to the safety of all road users
  - The single entry and exit would reduce visibility for cyclists
  - Obstructions caused by vehicles turning into the site could back up onto Mansfield Road
  - Inconsiderate parking on Private Road by users of the day nursery poses a hazard to cyclists
  - The residents of Private Road, Victoria Crescent, Yew Close and Fairlawn Place have rights to safe passage along their private roads
  - The applicant has not made any attempt to consult with residents of Private Road and has not complied with 'Development in Private Roads: A code of Practice'. He does not have automatic rights of way.
  - Driving in a private road without a sufficient right of way is an offence under s. 34 of the Road Traffic Act 1988.
  - The Council should impose condition should planning permission be granted requiring the applicant to repair any damage caused to Private Road

One representation providing general observations about the development has also been received. The observations are as follows:

- Overall, there is no demonstrable evidence to suggest the proposal should be refused. However, the permission could be improved;
- The Highway Authority has a duty to consider highway safety. The car park should be reconfigured to allow 12 spaces, including a disabled space. The layout should demonstrate a designated area for bin storage within this
- It needs to be established that the widening of the access can be accommodated. Could this be agreed before permission is granted.
- The applicant states that staff won't park here. This would be difficult to enforce but signs could be displayed in some spaces to read 'drop off and visitor parking only'.

Finally, two representations in response to some of the points of objection that have been raised, has been received from the applicant:

- The nursery car has been parked outside the Methodist church as the nursery have had Christmas carol concerts with Toddlers and Preschool children in their hall. Parents and carers do not park on Private road as there is always space in the car park.
- The submitted plans are accurate
- 60% of the objections appear to be a duplicate of one letter.
- The mini bus is used to transport children for woodland activities at Bestwood Country Park. It is used on a three week rota, taking children from the Private Road site, three times, once every 3 weeks. The mini bus is stored at all other times, at the applicant's own home.
- The bins are currently stored within the car park.

## Comments

***Issues relating to highway safety, including that of pedestrians and cyclists, have been addressed within the main report.***

***With regard to the demolition of walls within the conservation area, the management plan states:***

***'12.3 In view of their overall visual contribution to the Conservation Area, the Council will resist the demolition of any historic Bulwell stone or brick boundary walls.***

***12.4 In new development proposals, where alterations to any existing boundary walls are shown to be necessary, such as to form a new vehicular access, the Council will expect that any works will be limited to the minimum necessary and that any new openings are defined by gate piers.'***

***It is considered that paragraph 12.3 is intended to address the threat to the character of the area from total demolition of significant the proposed alterations fall within the scope of paragraph 12.4. Subject to satisfactory details, the widened access can be accommodated without harm to the character and appearance of the conservation area. It is considered reasonable that these details can be agreed by condition.***

***The Highway Officer has considered the proposals alongside the Road Safety Officer and the view remains that the proposed development would not have any significant impact upon highway safety. The car park The size of the car park proposed is acceptable for the number of children that would attend the nursery. The Emerging Local Plan states that a nursery should have a maximum off-street parking provision of 1 space per 8 children which for 70 children is 9 spaces. Providing 12 spaces in the car park for 62 places is therefore considered acceptable.***

***The Development code to which the objections refer has no legislative force. It is there as a guide for the purposes of assisting residents and developers and does not relate to instances of changes in the level of use where rights of access are already established.***

**Section 34 of the Road Traffic Act 1988 relates to offences on land that are not roads. In relation to England and Wales, 'road' means any highway and any other road to which the public has access. The public have access to Private Road. It is well established in law that reasonable access rights would be a perfectly valid defence to an alleged offence of damage to the highway by use of vehicles gaining access. Furthermore Highways have concluded that what limited increase in traffic there would be due to the rise in numbers of places would have no discernible effect on the highway. As such it would not be justifiable or reasonable to impose a condition requiring the applicant make good the highway.**

**The widening of the car park access will allow two vehicles to access and egress the car park at the same time and is welcomed. The car park is set out satisfactorily and has sufficient turning facilities for cars to enter and leave in a forward gear. There is no evidence to suggest that the proposals to widen the access could not be achieved and in fact the access appears to have been narrowed at some point in the past. In addition to the condition requiring details of how this will be achieved, a further condition which restricts the number of children within the nursery to 47 until such a time that the access has been widened in accordance with the approved details, is recommended.**

**The existing condition relating to the car park layout should be re-worded to include specific reference to a requirement for designated area for bin storage and a scheme of signage to aid in the effective management of the car park as follows;**

**Notwithstanding the details shown on the submitted plans, the development hereby permitted shall not commence until details of the car park layout, which shall include provision of one disabled parking space, a designated area for bin storage and a scheme of signage to assist in the effective management of the car park, has been submitted to and approved in writing by the Local Planning Authority.**

**The comments received from the applicant are noted.**

(Additional Background papers:

1. Letter from local resident dated 9.1.17
2. 2 x Emails from local resident dated 12.1.17
3. Email from interested party dated 12.1.17
4. Email from applicant dated 12.1.17
5. Email from applicant dated 13.1.17
6. 3 x letters from local residents dated 16.1.17
7. Email from local resident dated 17.1.17)

## Appendix to item 4b

**From: The Chairman, Private Road Members Association**

**To: Members of the Nottingham City Council Planning Committee**

18 January 2017

Application 16/02151/PFUL3

Dear Councillor,

I would like to be able to address the Committee in person, but as this is not permitted, I am writing my final submission which I ask you to consider. At this late stage, you will have had the opportunity to see the large amount of correspondence, interest and anxiety generated by the above proposal. I am suggesting to you, today, that you may not be in a position to make a properly informed and reasonable decision in this case unless you insist on a site visit to see the actual situation in Private Road for yourself.

If you have had time to read the letters of objection, you may be struck by the curious differences between the statements in the Chief Planner's report before you and the carefully expressed views, observations and experience of the residents and of the Private Road Members Association, of which I am the elected Chairman.

May I tell you that, in the twenty-one years I have lived in the road, the fifteen years that I have been a member of the PRMA Executive Committee and the two years that I have been Chairman, I have not known an issue cause so much widespread concern, dismay or worry. These concerns were magnified when the Planner's report was published and people realised their fears. There is a commonly-held feeling that, although it may not be true, the City Council simply does not listen to people. The standard response to a letter of objection is: "I cannot respond on specific matters, but I can assure you that your comments will be taken into account when the application is determined." This statement does not engender confidence and, unfortunately, the discrepancy between our letters and the information contained in the report is, in parts, quite striking. This is very worrying and makes individuals question if their responses were worth making at all.

Two particular aspects illustrate the point. Firstly, the "agreement" by the applicant to reduce to 62 from 70 the number of children who may be accommodated at the nursery does not, in any way, lessen the dangers implicit in any expansion, nor the adverse effect on the character and amenity of the conservation area. Secondly, the input of highways to the report, on the one hand appearing to wash their hands of any problems, and on the other, welcoming the intention to provide a wider opening and insist on the provision of a disabled parking space, is woefully inadequate.

To an outsider, it might seem that this planning issue is a simple one; but it isn't. There are some fundamental facts that must be appreciated. The nursery exists within a conservation area, with access from an unadopted, narrow, private road which is collectively owned by the residents. The nursery's owners, staff and customers are not residents. It may be that an application to establish a nursery in its current location would not be allowed today, but we understand that the nursery does exist and we accept that. However, its activities do cause and have caused problems, largely related to inconsiderate parking, traffic congestion and safety. Residents have had to cope with these difficulties, but all are agreed that the increase in numbers is potentially very unsafe, not reasonable and totally out of keeping with the location of the nursery in the conservation area.

You have the opportunity today to defer a decision until you can make a site visit. This would enable you to establish for yourself the limitations of the site and its location in Private Road and the real potential for a serious accident were the application ever to be granted approval. Please take this opportunity.

Glyn Archer

Chairman

Private Road Members Association

WARDS AFFECTED: Dunkirk and Lenton

Item No:

**PLANNING COMMITTEE**  
**22 February 2017****REPORT OF CHIEF PLANNER****111 Harrington Drive****1 SUMMARY**

Application No: 16/02725/PFUL3 for planning permission

Application by: Mr S. Raza

Proposal: Single storey side and rear extension.

The application is brought to Committee following a request for its referral to Committee by Ward Councillors.

To meet the Council's Performance Targets this application should have been determined by 20/01/2017

**2 RECOMMENDATIONS**

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

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

**3 BACKGROUND**

The property is a detached two storey dwelling established as a House in Multiple Occupation (HMO) with 5 bedrooms, located within a Primarily Residential Area. There is an existing loft conversion at the property which accommodates 1 bedroom, 3 bedrooms to the first floor and 1 bedroom at the front of the ground floor.

**4 DETAILS OF THE PROPOSAL**

Planning permission is sought for the retention of a single storey side and rear extension; the application is retrospective and the extension is nearing completion. The extension projects a maximum of 3.9m to the rear and 1.5m to the side of the property, with a maximum width of 8.3m. It provides additional kitchen/living/dining accommodation. Windows and French doors are proposed in the rear and side elevations. Following negotiation, amended plans have been received to change the internal layout to provide an open plan kitchen, dining and sitting room.

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

### **Adjoining occupiers consulted:**

5.1 The following neighbouring properties were consulted: 109 and 113 Harrington Drive, 72 Harlaxton Drive.

5.2 Three objections were received from:  
Secretary, Lenton Drives & Neighbours Residents' Association  
74 Harlaxton Drive  
92 Harlaxton Drive

5.3 Comments made are as follows:

- Increase in lettable rooms
- Is the existing property an HMO? No record of HMO licence. Plans don't show changes to the roof and loft
- Work has commenced without approval
- Extension may be used as an additional lettable bedroom
- Street/area already suffering with HMOs that is creating an imbalance in the social mix of the community, and the problems usually associated with student properties
- Have suffered noise and ASB from students
- Marginal increases in bedspaces will commutatively worsen the situation
- On the face of it looks like a reasonable proposal, however already built and for more students

5.4 The local Ward Councillors have submitted the following objection:

*As ward councillors for the area, we wish to object to the above proposal as we believe it is being done to facilitate the enlargement of an existing HMO. We believe this result in an intensification of HMO bedspaces in an area already recognised as having an unbalanced community. Harrington Drive is characterised by high density dwellings. To permit increases in density, in terms of additional occupancy, would result in an exacerbation of amenity concerns such as noise disturbance, parking pressures and waste management issues. The proposal is contrary to Policies ST1 and H6 of the Local Plan, Policy 8 of the ACS and the BBC SPD. Whilst the increase in density of the household would result in a minor increase in the number of HMO bedspaces, the cumulative impact of potentially similar applications would exacerbate the existing problem of over-concentration of HMOs tenants and an unbalanced housing mix.*

*We urge you to reject these proposals.*

5.5 Supporting information has also been provided by the applicant. They purchased the property on 16 March 2016 as a 5 bed HMO (the HMO licence was issued on 1 April 2011). The property was occupied by 4 students at that time. They had been advised by their agent that due to the extension not exceeding 4m in projection that it did not require planning permission. They commenced work on this understanding. Permission is required due to the 5.5 sq m southeast corner of the extension; if removed the remainder would be permitted development. The extension has been designed to be sympathetic to the neighbouring properties and reclaimed bricks used in its construction. All other rooms in the house exceed

space requirements for an HMO licence; the extension is to create a quality communal area and not an additional bedspace.

- 5.6 The City Council HMO team have confirmed that a licence for 5 bedrooms has been issued and Council records confirm that between 4 and 5 people have occupied the property over that period.
- 5.7 The applicant also makes reference to a similar single storey rear extension recently approved at 147 Harrington Drive (Planning reference 15/02287/PFUL3), which is also a student HMO.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (2012)**

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.

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

ST1 – Sustainable Communities

H6 – Student Housing

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

Policy A: Presumption in Favour of Sustainable Development

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

### **Building Balance Communities Supplementary Planning Document (2007) (BBC SPD)**

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

### **Main Issues**

- (i) Principle of the development
  - (ii) Design and impact on the street scene
  - (iii) Impact on residential amenity
- (iv) **Issue (i)** Principle of the development (Policies ST1 and H6 of the Local Plan, policies A, 8 and 10 of the ACS, the BBC SPD)
- 7.1 The objections submitted in relation to this proposal concern the use of the property as an HMO and the potential intensification of this use, all of which is set against a backdrop of the over-concentration of student households in this locality and the detrimental impact that this has on creating a sustainable community.

- 7.2 The property is an existing 5 bed, class C4 HMO which is confirmed by Council records. The proposal is a relatively standard single storey rear extension that is to provide an enlarged open plan kitchen/living/dining area. The applicant has confirmed that it is not their intention to provide a further bedroom in the extension and this is a matter it is also proposed to enforce by condition.
- 7.3 The projection to the rear is within permitted development limits but it is the 5.5 sq m section to the side of the property that triggers the need for permission. It is not felt that the difference between the proposal and the 'fall back' permitted development position is sufficient to warrant refusal of the application. This does not have an unacceptable impact on neighbouring residents either side, from whom there has been no objection. In response to the objections received, it does not facilitate intensification in the use of the property. Furthermore, this is a relatively standard size and type of extension to a dwellinghouse of this size and design, whether it be in class C3 or C4 use, and as such the proposal would not prejudice the ability of the property to return to class C3 in the future.
- 7.4 To ensure that the extension does not facilitate an increase in the number of bedrooms and therefore occupants elsewhere in the house, in conflict with the relevant policies of the development plan, a condition is proposed to this effect.

**Issue (ii) Design and Impact on the Streetscene** (Policy 10 of the Aligned Core Strategy)

- 7.5 Only the side extension element of the proposal is visible from the street but this is 1.5m wide, of an appropriate design and materials and set a considerable distance back from the front of the property. Its impact in public views is therefore considered to be acceptable.

**Issue (iii) Impact on residential amenity** (Policy 10 of the Aligned Core Strategy)

- 7.6 Having regard to the design, scale, location and outlook from the proposed extension, and the relationship with the site boundaries, it is considered that the proposal has an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook.

**Other**

- 7.7 A consultation response stated that the applicant's plans did not show changes to the roof and loft. The proposed development does not involve a change to the roof which has an existing dormer.

**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**

None.

14 **CRIME AND DISORDER ACT IMPLICATIONS**

None.

15 **VALUE FOR MONEY**

None.

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

1. Application No: 16/02725/PFUL3- link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=06Y62ILYKYK00>

2. Email from Cllr dated 20.12.2016

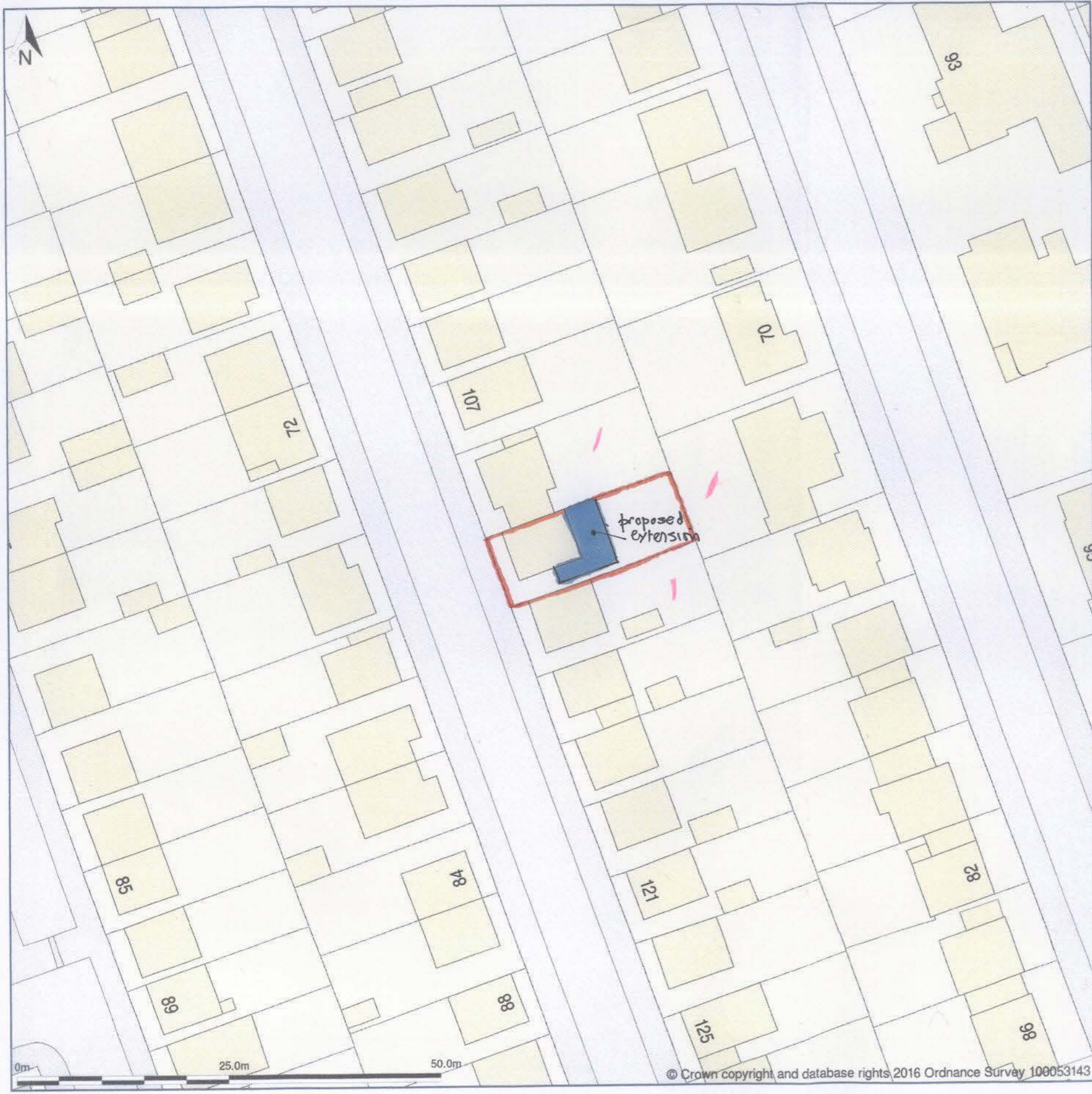
3. Email from Ms Virginia Rochester dated 9.12.2016

4. Email from Dr Finnis dated 22.12.2016

5. Email from Mr Carl Towner dated 23.12.2016

**Contact Officer:** Mrs Eunice Kirk, Case Officer, Development Management.  
Email: Eunice.kirk@nottinghamcity.gov.uk. Telephone: 0115 8764057





PROPOSED ALTERATIONS & EXTENSION  
 111 HARRINGTON DRIVE,  
 LENTON, NOTTINGHAM NG7 1JL

SITE BLOCK PLAN 1:500



**hcd architecture**

The Coach House, 12 College Road, Bromsgrove  
 tel & fax 01527 880196



**My Ref:** 16/02725/PFUL3

**Your Ref:**

**Contact:** Mrs Eunice Kirk

**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

HCD Architecture  
The Coach House  
12 College Road  
Bromsgrove  
Worcestershire  
B60 2NE

Date of decision:

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

Application No: 16/02725/PFUL3  
Application by: Mr S. Raza  
Location: 111 Harrington Drive, Nottingham, NG7 1JL  
Proposal: Single storey side and rear extension.

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**

. There are no conditions in this section.

**Pre-commencement conditions**

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

There are no conditions in this section.

**Pre-occupation conditions**

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

There are no conditions in this section.

**Regulatory/ongoing conditions**

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

1. The extension shall be laid out internally as per drawing No. 02 (b) and, as a result of this extension, there shall be no increase in the number of bedrooms or occupants within the entire dwelling, above the current level of 5.

*Reason: In the interests of preventing an intensification in the occupation of this HMO dwelling and the adverse amenity and community imbalance impacts that this would have, in accordance with Policies H6 and ST1 of the Local Plan, Policy 8 of the ACS and the Building Balanced Communities SPD.*



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**Not for issue**

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Continued...

**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:  
Planning Layout reference 02 revision B, received 11 January 2017

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

**Informatives**

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: 16/02725/PFUL3

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

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