



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 19 April 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

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
- 3 MINUTES** 3 - 12
Of the meeting held on 22 March 2017 (for confirmation).
- 4 PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER**
 - a Land At Site Of Forest Mill, Radford Road** 13 - 26
Draft Decision Notice to follow
 - b Radford Mill Southern Building, Norton Street** 27 - 40
Draft Decision Notice to follow
 - c Site Of Trent Works, Wilford Crescent East** 41 - 62

COUNCILLORS, CO-OPTES, COLLEAGUES AND OTHER PARTICIPANTS MUST DECLARE ALL DISCLOSABLE PECUNIARY INTERESTS AND / OR ANY OTHER INTERESTS RELATING TO ANY ITEMS OF BUSINESS TO BE DISCUSSED AT THE MEETING.

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 22 March 2017 from 14.30 - 16.09

Membership

Present

Councillor Chris Gibson (Chair)
(absent for minute 76, having first made a Ward
Councillor representation)
Councillor Graham Chapman
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

Absent

Councillor Cat Arnold
Councillor Azad Choudhry
Councillor Alan Clark
Councillor Steve Young
Councillor Andrew Rule
Councillor Josh Cook

Colleagues, partners and others in attendance:

Judith Irwin	- Senior Solicitor
Paul Seddon	- Chief Planner
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Nigel Turpin	- Heritage and Urban Design manager
Sarah Hancock	- Technical Officer Development Control - Highways
Catherine Ziane-Pryor	- Governance Officer

72 APOLOGIES FOR ABSENCE

Councillor Andrew Rule - personal
Councillor Cat Arnold – health
Councillor Steve Young - personal
Councillor Alan Clark – personal
Councillor Azad Choudhry - leave

73 DECLARATIONS OF INTERESTS

Councillor Chris Gibson declared an interest in agenda item 4a, minute 74, Fairham House, Green Lane, in that he had publicly campaigned for and supported the proposed development. As such, he considered that he had pre-determined the application and therefore would not participate in the discussion or vote on the item. Subject to approval by the Chair for that item, he proposed to address the Committee in his capacity as Ward Councillor. Thereafter he would withdraw from the meeting prior to and for the entire consideration of the item.

74 ELECTION OF CHAIR FOR AGENDA ITEM 4A

In view of Councillor Chris Gibson's declaration of interest for this item and the absence of Councillor Cat Arnold as Vice Chair of the Committee, Councillor Sally Longford was proposed and seconded as Chair for this item.

75 MINUTES

The minutes of the meeting held on 22 February 2017 were confirmed as a true record and were signed by the Chair.

76 FAIRHAM HOUSE, GREEN LANE

Further to minute 74, Councillor Sally Longford took the Chair for this Item.

Councillor Chris Gibson, in his capacity as a Ward Councillor for Clifton South Ward, spoke in support of the application and highlighted the following points:

- (i) the majority of Clifton citizens welcome the application which includes a Lidl discount food store and increases the range and offer of shops and café/restaurants in the area;
- (ii) if this development is approved, it will have a vitally positive impact, on transforming the Clifton Town Centre;
- (iii) however, it's important that this is a quality scheme which accommodates appropriate parking, is respectful of the mature boundary trees and the surrounding residential properties;
- (iv) trees should be planted to replace any removed during the development and the site should be linked to the Green Lane shops to ensure that it feels part of the Clifton shopping area;

Councillor Chris Gibson then withdrew from the meeting for the remainder of the item, pursuant to his declaration at minute 73.

Rob Percival, Area Planning Manager, introduced application number 16/02648/PFUL3 by WYG Planning Ltd on behalf of Cedar House Investments Ltd for planning permission for 24 apartments with associated car park and other works (outline permission), a food store, 4 non-food retail units and a cafe/restaurant with associated car park, alteration to the site access and other works (full permission), following demolition of Fairham House.

The application is brought to Committee because to grant planning permission would be a significant departure from the adopted Development Plan. It is also a major application on a prominent site, where there are important land use and design considerations.

Rob Percival included within his presentation, a representation from Planning Committee member Councillor Andrew Rule whom was unable to attend the meeting. The following points were highlighted:

- (i) the application for a budget supermarket is welcomed and has been long awaited by Clifton citizens;
- (ii) the development supports the wider regeneration of the Southchurch Drive shopping area and contributes to the creation of a retail corridor along Green Lane;
- (iii) representatives of Morrison's Supermarket have reacted positively to the proposed Lidl store;
- (iv) the development is likely to attract patronage from surrounding areas to Clifton;
- (v) trees to replace those removed during the scheme should be planted preferably on the development site, or elsewhere within Clifton if that is not possible;
- (vi) the impact of noise and vibration on residents of Green Lane needs to be taken into account along with the impact of additional traffic in surrounding roads, particularly as HGVs will be visiting the site to deliver to Lidl and also the other retail units;
- (vii) the application is welcomed and supported.

Rob Percival delivered a presentation which included aerial photographs of the current site, plans of the current site, plans of the proposed development, and images of the Lidl store and retail unit elevations with hard and soft landscaping.

It is noted that the residential section of the application only seeks outline planning permission at this time so detailed plans and elevation views are not available. It is anticipated that a detailed scheme seeking reserved matters approval will be brought back to the Committee at a future date.

There has been extensive consultation of the local community but very few responses received which mainly focused on traffic, site security and access, all of which are addressed within the report. Further representations are included and responded to within the update sheet.

Consideration has been given to how the site is enclosed. An acoustic baffle fence on a Gabion wall plinth is proposed along with climbing plants on what would otherwise be blank enclosure to the service yard, to create a green screen. The car park will be slightly lower than road level to mask its appearance from surrounding areas and will include trees. Additional trees are proposed in the wide verge along Green Lane.

Members of the Committee commented as follows:

- (a) this application is as a result of the City Council Plan to advance town centre shopping areas. With 3,000 residential units to be built at nearby Rushcliffe, it is essential that the Clifton shopping offer is raised to ensure that Clifton is not bypassed by the new development and that the Tram to and from Clifton remains viable;
- (b) the level of thought and attention to detail of this application is important. As there is no indication of the proposed appearance of the apartments, the Committee should consider delegating authority to the presiding Chair, Vice-Chair, and Opposition

Spokesperson, to consider and approve when satisfied, the design and associated facilities of the apartments;

- (c) the design of the Lidl stores is much improved since its early days and is now more sympathetic to the surrounding environment. However, with this application there are still concerns regarding staff parking and how many trees will be lost and planted as replacements. The boundary treatment of the car park and wider site, fronting Green Lane and Langstrath Road, is welcomed;
- (d) whilst the front elevations of Lidl and other retail stores appear fairly attractive, the side elevations, particularly Lidl's car park facing side, is very stark and disappointing.

Rob Percival responded to the Committee's questions and queries as follows:

- (e) the approach to the retail units is typical of retail parks with glazed frontages, brick piers and large signage zones at first floor level;
- (f) concerns have been expressed with regard to the amount of parking available, but Highways colleagues are comfortable with provision, including for staff. The sensitivity around local parking issues in the area of the shops is acknowledged and there is currently work to consider a resident's parking scheme in the area. There is a condition of a travel plan for staff of Lidl and the retail units to consider how staff can get to and from work by sustainable transport means;
- (g) objectors have raised a variety of issues, some of which are not relevant to the development, but efforts have been made to address those which are;
- (h) the existing mature trees are concentrated to the north of the site and most will remain with additional planting options considered including on surrounding streets, and possibly in the wider local area;
- (i) in response to concerns about noise, conditions are included relating to opening and servicing hours, and requiring planning authority approval of environmental noise assessments and appropriate mitigation measures;
- (j) the blank elevations of the Lidl unit will be improved by some soft landscaping to Langstrath Road but the car park side of Lidl is more difficult; it's not practical for the store to have glazing on this side, but other options can be sought and a condition is proposed to address this, involving consultation with nominated Committee representatives.

RESOLVED

(1) to grant planning permission subject to:

- (a) prior completion of an agreement under section 111 of the Local Government Act 1972 to secure a section 106 obligation upon the subsequent disposal of the site to the developer, which shall include:**

- (i) a financial contribution towards off-site public open space at Clifton Central Park and/or Summerwood Lane Allotments;
 - (ii) financial contribution towards the provision of primary school places at Dovecote Primary School, Clifton;
- b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;
- (c) power to determine the final details of the conditions is delegated to the Chief Planner;
- (2) that in relation to the retail element of the development, approval of the external materials and elevations facing the customer car park required pursuant to condition 7 shall be a matter for the Chief Planner in consultation with Councillor Sally Longford, the Vice Chair and the Opposition Spokesperson;
- (3) that in relation to tree planting on Green Lane, approval of the details of this shall include consideration of tree planting in other appropriate locations in the local vicinity, pursuant to condition 13, which shall be a matter for the Chief Planner;
- (4) 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;
- (5) 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.

77 LAND BOUNDED BY MAIN STREET, JENNISON STREET AND LINBY STREET, NOTTINGHAM

Martin Poole, Area Planning Manager, presented planning application 16/01552/PFUL3 submitted by Plan A (North West) Limited on behalf of the ILidl UK GmbH for the erection of a Class A1 retail store, car park and servicing areas access and associated works following demolition of existing buildings and structures.

The application is brought to Committee because it is a major application on a prominent site where there are important land use considerations.

Martin Poole provided a street plan of the current site, photographs of the former car dealership which is now in a poor state of repair and the subject of antisocial behaviour, and

plans for the new Lidl store, along with elevation views. The site currently includes five vacant houses which will also be demolished.

The development will include a glass fronted building at the northern edge of the site of the car park accessed from Jennison Street. The boundary of the site will include a stone wall with metal railings and whilst every effort has been made to include trees on the site, is not large enough to accommodate significantly more soft landscaping beyond that which is shown on the plans.

Highways have undertaken a lot of work on modelling the impact of the development and one of the main concerns regarding this application is potential traffic congestion at peak times. It is possible that as the modelling exercises have only been on paper and where citizens do experience congestion they often find all alternative routes, congestion may not reach the level suggested, however, the committee is asked to take potential congestion into consideration.

The ecological aspects of the proposed development have been resolved in consultation with the Biodiversity Team. Conditions (numbers 2-5) have been included within the draft permission to ensure that thorough protected species surveys take place prior to the demolition work or site clearance, to identify species present, address any findings and mitigate impacts.

The site is within an area which could potentially flood. The formal comments of the Environment Agency are awaited but they have indicated verbally that, subject to verification of the flood modelling, the decision on whether or not to grant planning permission is a judgement for the local planning authority to consider whether the risk is acceptable. The wording of the recommendation allows for consideration to be given once the Environment Agency's formal comments are received.

Members of the Committee commented as follows:

- (a) the proposal is welcomed and will benefit the local community, not only by providing the discount store, but also with regard to positively utilising a derelict and unsightly plot of land;
- (b) inclusion of this store near to the town centre will contribute to ensuring Bulwell's Town Centre remains attractive and viable;
- (c) this application proves that the City Council's Town Centre Strategy and investment in improvement projects within Bulwell can be considered successful;
- (d) in balancing the potential congestion problem against the local need and desire for this development, the application should be approved;
- (e) it is a concern that the car park lacks greenery particularly along the boundary, but with the space restriction of the site, the possibility of including street trees should be considered to help soften the appearance of the development, even if the City Council were to provide and maintain them;
- (f) this is a difficult site with various challenges but it's clear that Lidl and Planning Officers have worked hard to bring it to this point. The current site is an eyesore and

the development will be a much welcomed improvement for the area. The compromises are acknowledged but those aside, this is development will be of benefit to the community, especially as it's also accessible by foot and bus;

- (g) it is noted that protected species surveys cannot be done at this time of year but hope was expressed that an improved environment for those affected could be found;
- (h) the benefits of this development outweigh the potential problems.

RESOLVED to approve the application subject to:

- (1) there being no additional material matters arising from the response of the Environment Agency, the power to grant planning permission subject to the indicative conditions listed in the draft decision notice at the end of the report (including any further conditions arising from the comments of the Environment Agency) is delegated to the Chief Planner;**
- (2) in the event of additional material matters arising from the response of the Environment Agency, the power to determine the planning application be delegated to the Chief Planner in consultation with the Chair, Vice Chair and Opposition Spokesperson;**
- (3) power to determine the final details of the conditions being delegated to the Chief Planner.**

78 CHURCH SQUARE SHOPPING CENTRE, LENTON

Rob Percival, Area Planning Manager, presented application 17/00044/PFUL3 by Mr Andrew Oglesby on behalf of Nottingham City Homes, for planning permission to erect 17 dwellings on site of an existing shopping centre and flats.

The application is brought to Committee because planning obligations are proposed to be waived.

Highways comments, reference to biodiversity requirements and additional conditions are included within the update sheet.

Rob Percival delivered a brief presentation which included photographs and plans of the current site, plans and computer generated images of the proposed development.

Councillors' comments included:

- (a) the appearance of the dwellings, particularly the chimneys and the non-rendered finish is welcomed;
- (b) this development will be a welcome addition to an increasingly attractive area;
- (c) details relating to street parking and large vehicle access, including turning space, must be considered and included;

- (d) this is an attractive development and welcomed.

It is noted that there is still work to be done regarding some of the design and material detail, including the configuration of the front gardens, bin storage areas and dedicated parking.

Permission for the demolition of the existing structure has already been issued and therefore demolition can take place at any time, irrespective of the outcome of this application. The comments of the Biodiversity Officer regarding a bat survey will be passed to the developer who will also be reminded of their obligations under UK and EU nature conservation legislation.

RESOLVED

- (1) **to grant Planning permission subject to:**
- (a) **the indicative conditions listed in the draft decision notice at the end of the report ;**
 - (b) **the three additional highway conditions detailed in the update sheet;**
 - (c) **the additional condition regarding hedgehog-friendly fencing detailed in the update sheet;**
- (2) **for the power to determine the final details of the conditions to be delegated to the Chief Planner.**

79 LAND TO SOUTH SALISBURY STREET

Rob Percival, Area Planning Manager, introduced application 16/00815/POUT by Zenith Planning and Design on behalf of Forest Estates Nottingham Ltd for outline planning permission for a residential development of 21 dwellings.

The application is brought to Committee because the grant of planning permission for this site would be a significant departure from the adopted Development Plan, when the land was allocated for light industrial use.

Rob Percival delivered a brief presentation which included maps and photographs of the current site, along with the proposed plan of housing for which outline permission is sought.

It is noted that no representations on the proposed development had been received. Although there is potential for minor flooding, it is predicted that this would only affect limited garden and parking areas at the very western end of the site. Members of the Committee welcomed the proposed additional condition in relation to C3 use in the update sheet.

RESOLVED

- (1) **to grant outline planning permission subject to:**
- a) **prior completion of a planning obligation which shall include;**

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WARDS AFFECTED: Radford And Park

Item No:

PLANNING COMMITTEE

19th April 2017

REPORT OF CHIEF PLANNER

Land At Site Of Forest Mill, Alfreton Road

1 SUMMARY

Application No: 16/02524/POUT for outline planning permission

Application by: Landmark Planning Ltd on behalf of Maryland Securities Ltd
Forest Investments Ltd

Proposal: Hybrid planning application. Full application for erection of 8 storey building comprising 81 residential units and 7 commercial premises. Outline application for up to 229 residential units.

The application is brought to Committee because it is a major application on a prominent site where there are important land use, design and heritage considerations. 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 be determined by 31st January 2017, an extension of time has been agreed to the 24th April 2017.

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;
 - (iii) on-site provision of affordable housing

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 which will form part of the Committee Update Sheet

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 The site is bounded by Alfreton Road, Highurst Street, Denman Street East and Boden Street. Thackeray Street runs through the site and links Boden Street to Denman Street East. The site is adjacent to commercial properties on Alfreton Road, houses on Boden and Highurst Street and industrial units on Denman Street East. The site covers an area of approximately 1.22 ha.
- 3.2 The area of land bounded by Alfreton Road, Highurst Street, Denman Street East and Thackeray Street forms part of the Alfreton Road/Gamble Street Conservation Area.
- 3.3 There are level changes across the site. The Alfreton Road frontage sits at a higher level and whilst the site slopes down gradually towards Denman Street East at first, there are significant changes to the Denman Street East and Highurst Street corner of the site.
- 3.4 The site consists of a disused office building which is in a derelict state; the remainder of the site has been cleared, surfaced in crushed stone and enclosed with security fencing. Part of the site is currently being used as a surface level car park. A triangular area of land located between Thackeray Street, Boden Street and Denman Street East is a green area with grass and trees. Thackeray Street is used to provide additional residential parking for the surrounding area.
- 3.5 Conservation Area consent (11/01244/LCAC1) was granted in 2012 to enable demolition of former mill and bath house buildings that had previously covered the site. More recently in 2013 planning permission was sought to retain the temporary car park on the site. This application was refused, but the use was allowed for a temporary 1 year period following an enforcement appeal. This period has now expired and planning permission was sought earlier this year to allow the car park use to continue. Again this was refused and is the subject of on-going enforcement action.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks approval for 310 apartments and 7 commercial units. Originally it was proposed to provide up to 325 apartments, but the scheme has been amended to address concerns over the scale of the development. The submission seeks full planning permission for the part of the site that fronts Alfreton Road (approximately a quarter of the site), and outline planning permission for the remainder of the site. The outline aspect of the proposal seeks approval for access, scale and layout, with appearance and landscaping reserved for future approval. It is intended to deliver the development in three phases: Phase 1 would consist of the proposed development fronting Alfreton Road; Phase 2 relates to the area of land bounded by the Phase 1 development, Highurst Street, Denman Street East and Thackeray Street; and Phase 3 relates to the triangular piece of land bounded by Boden Street, Denman Street East and Thackeray Street.
- 4.2 The full planning permission proposal consists of an eight storey building that would contain 7 commercial units at ground floor with 81 apartments above. The building

would have a boundary with Alfreton Road, Highurst Street and Boden Street. To its rear is proposed a shared surface access road and public square that would be landscaped and primarily for pedestrian access and use, but also for vehicles to service the apartments and commercial units in a one way flow. A pedestrian link is also proposed through the building between Alfreton Road and the new square.

- 4.3 4 disabled car parking spaces are to be provided to the rear of the Alfreton Road building. It is anticipated that there would be 2 HGV movements per day, with approximately 10 other service vehicles accessing the site on a daily basis. This route would be open with no gates proposed at the entrance points on Highurst Street and Boden Street.
- 4.4 The main entrances to the commercial units would be provided onto Alfreton Road and Highurst Street. 3 of the units would also have direct access onto the public realm at the rear. The main entrance to the apartments would be from the corner of Alfreton Road and Highurst Street. Within this main entrance would be a reception area along with a lift and stair core providing access to the upper floors. The reception area would also be accessible from the public square at the rear.
- 4.5 Within the Alfreton Road building there would be 30 x 1 bed apartments, 49 x 2 bed apartments and 2 x 3 bed apartments.
- 4.6 The development that would be delivered as part of the outline permission comprises three buildings and two additional shared surface spaces, providing further areas of public realm and 65 car parking spaces. A total of 229 apartments would be provided. One of the shared spaces would broadly follow the existing line of Thackeray Street and would provide a vehicular and pedestrian link between Denman Street East and Boden Street. The other space would have a vehicular and pedestrian access off Denman Street East, just down from its junction with Highurst Street. At its other end there would be a pedestrian only link to the new square at the rear of the Alfreton Road building. The three buildings would be sited so that the easternmost building would front onto Highurst Street (Highurst Building), the central building (Spine Building) would be positioned between the two shared spaces and the westernmost building (Corner building) would sit on the corner of Boden Street and Denman Street East.
- 4.7 The Highurst building would be 4 storeys in height, the Spine building would be 3 to 6 storeys and the Corner building would be 3 to 5 storeys. It is indicated that the following accommodation could be provided within each of the buildings:

Highurst – 5 x 2 bed town houses, 2 studios, 15 x 1 bed apartment, 25 x 2 bed apartments and 5 x 3 bed apartments

Spine – 7 studios, 24 x 1 bed apartments, 70 x 2 bed apartments and 1 x 3 bed apartment

Corner – 3 x 2 bed town houses, 8 studios, 20 x 1 bed apartments, 43 x 2 bed apartments and 1 x 3 bed apartment

Each building would have its own reception area and communal storage facilities for bicycles and bins.
- 4.8 The indicative layouts provided for the Highurst, Spine and Corner buildings show that the new groundfloor dwellings could be provided with their own entrances

directly onto the surrounding streets and internal shared surface spaces, with individual terraced areas in some places to address the change in levels across the site.

- 4.9 The Alfreton Road building has a strong red brick frame with roof level floors and recessed elements in standing seam zinc. The retail units would be provided with floor to ceiling glazing and a number of the upper floor apartments would have recessed balconies.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

83 Neighbouring properties were notified of the proposal by letter on the 7th November 2016. The application was also publicised through a press and site notice. The notification period expired 7th December 2016. No letters of representation have been received as a result of this publicity.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections, subject to conditions securing the submission of:

- A remediation strategy
- Noise assessments for the commercial and residential units and details of appropriate noise mitigation measures
- Ventilation schemes in relation to the commercial units where food is proposed to be cooked

Highways: No objections. Highway colleagues agree with the findings of the submitted Transport Assessment which concludes that the proposal would result in a net reduction in the amount of traffic generated compared to the site's current use as a car park, and previous factory use. Conditions to secure the following have been requested:

- Implementation of the submitted travel plan
- Detailed design drawings of the junctions of the proposed new accesses
- Provision of a Construction Management Plan for each phase of development
- No service deliveries to take place on Alfreton Road

Highway colleagues have also requested a number of informatives relating to: reinstatement of redundant footway crossings and other general requirements of the Highway Act; the need for the stopping up of Thackeray Street; the need for revisions to Traffic Regulation Orders in the area. They have also advised that the future occupants of the development may not be eligible for the Residents Parking Scheme that exists within the area.

Environment Agency: No objections, subject to conditions securing the submission of a remediation strategy and piling and foundation details to prevent ground water contamination.

Drainage: No objections, subject to a condition requiring details for the disposal of surface water.

Biodiversity Officer: No objections. Biodiversity colleagues have reviewed the ecological reports submitted and agree that the site is of low ecological value. The provision of bird and bat boxes within each phase of the development should be secured through condition. The ecological value of the site could be enhanced through an appropriate landscaping scheme that makes use of native and non-native plant species that are of accepted wildlife value.

Conservation Officer: The layout and massing of the buildings proposed on the site would be acceptable in principle. A concern was raised on the original scheme over the depth of the Alfreton Road building as it turns the corner onto Highurst Street. Following revisions this issue has been addressed and they now raise no Conservation Area issues.

Tree Officer: The outline application site contains a number of mature trees and those along Boden Street have significant amenity value and long life expectancy. Ideally these should be retained as part of the new development.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. 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.
- 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 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 Also of relevance to this application is section 12 of the NPPF that relates to conserving and enhancing the historic environment.

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 11: The Historic Environment.

Policy 14: Managing Travel Demand.

Policy 19: Developer Contributions.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

MU8.5 - Allocation for Mixed Use development.

H2 - Density.

H5 - Affordable Housing.

R2 - Open Space in New Development.

BE12 - Development in Conservation Areas.

NE5 – Trees.

NE9 - Pollution.

NE12 - Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

Supplementary Planning Guidance:

Affordable Housing Policy and Developers Contributions

Planning Guidance for the Provision of Open Space Within Developments

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of development**
- (ii) Density, layout and design considerations**
- (iii) Impact on the Alfreton Road/Gamble Street Conservation Area**
- (iv) Impact on residential amenity**
- (v) Highway considerations**
- (vi) Planning Obligations**

Issue (i) Principle of development (NPPF, Policies A and 8 of the Aligned Core Strategy, Policies ST1 and MU8.5 of the Local Plan)

- 7.1 Policy MU8.5 of the Local Plan allocates the site for a mix of uses which could include housing, employment, community and leisure uses. As indicated in policy MU8.5 a development brief was prepared for the site in 2002. Given the length of

time since its publication this now carries little weight, although it was consistent in suggesting that residential and employment uses would be appropriate for the site.

- 7.2 The provision of small retail units within the Alfreton Road street frontage would be a welcomed addition to this significant Local Shopping Centre. The proposed residential element would also be compatible with the residential properties on Boden Street and Highurst Street, which are designated within the Local Plan's Primarily Residential Area. Whilst there are industrial premises fronting onto Denman Street East to the south of the site, these are largely dated and under-utilised premises that do not present a significant conflict in amenity terms. Forest Mill is a focus for regeneration, recognised by its designation as a mixed use development site in the Local Plan, and would hopefully provide a catalyst to redevelopment in the wider area. This mixed use scheme is therefore considered to be acceptable in principle.
- 7.3 The proposal would provide a welcomed opportunity to enhance the built environment and regenerate the surrounding area. It would support Local Plan policy ST1 and a core principle of the NPPF in bringing back into use previously developed land. Additionally, the development is located in a sustainable location, close to local facilities and public transport. It is also within walking distance of the City Centre.
- 7.4 The NPPF, Aligned Core Strategy and Local Plan all support 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. They indicate 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. The proposal allows for the creation of up to 310 dwellings, the majority of which would be 2 bedrooled apartments of a generous size (approximately 65 sq m). The mix would also incorporate some innovative 2 and 3 bed town houses at groundfloor level, with their own front doors. Overall 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.
- 7.5 The proposal therefore accords with NPPF, Policies A, 8 and 10 of the Aligned Core Strategy, and Policy ST1 of the Local Plan.

Issue (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 better places. 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 an area.
- 7.7 Both the full and outline elements of the application propose a development of a high residential density. Alfreton Road is lined on both sides by high density development dating predominantly to the late 19th and early 20th centuries. The area is also characterised by some larger buildings that have deep rectangular forms and indeed, until 2012 the site itself was occupied by larger buildings that had been extended over time to cover most of the site. It is therefore felt that the density of the proposed development is in itself acceptable. It is commented above that the residential units are of a generous size; the shared surface public realm and car parking areas within the scheme are also generously proportioned, creating

attractive spaces and adequate separation distances in terms of privacy and the ingress of natural light.

- 7.8 The proposed buildings have been laid out to respect existing routes and to anticipate future desire lines through the site. In particular a new north/south route has been created from the eastern part of Denman Street East through to Alfreton Road. The four buildings that form the development have also been configured to address both the surrounding streets and proposed shared spaces within the development. Their orientation maximises natural daylight into these public spaces between the buildings.
- 7.9 An active frontage has been provided to Alfterton Road with the shop fronts of the retail units, which would be extended around the corners onto both Boden Street and Highurst Street. The shared space to the rear of the Alfreton Road is also activated as result of the way that commercial units and the apartment's reception area have been configured.
- 7.10 The indicative plans for the Corner, Spine and Highurst buildings include groundfloor units with front doors onto the adjoining streets and new shared spaces, which would ensure that the whole of site and its perimeter would be appropriately activated. The shared spaces would also allow permeability through the site, reinforcing the sense of natural surveillance and a safe environment.
- 7.11 The indicative landscape plans show that the square and other shared spaces are capable of being landscaped in a manner that would create attractive and functional areas of public realm. Although largely hard landscaping, soft landscaping is included that would also assist in enhancing the ecological value of the site. Car parking spaces are shown to form an integral part of the overall landscape design and would complement the character and appearance of the shared spaces. Some residential properties on the ground floor of the Corner, Spine and Highurst buildings are indicated as having their own private terraces onto these shared spaces. Details of hard surfacing and landscaping would be dealt with by condition.
- 7.12 The scheme has been designed so that buildings respond to the varying scale of the existing area. The development steps down from the highest part of the site (the corner of Alfreton Road and Highurst Street) where the eight storey element is intended as the focal point of the development. Although this element would become the tallest structure in the area, it is felt to appropriate for the site. This is the location of the existing tall structure on the site, albeit one which is very poor in aesthetic quality. It does however demonstrate the merits of a tall element at this point, particularly in views westward along Alfreton Road, when approaching from Canning Circus. It would landmark the site and retain a sense of the larger scale buildings that existed on the site historically.
- 7.13 The other buildings within the development range from 3 to 6 storeys. Whilst these would be higher than the industrial buildings to the south and the residential properties to the east and west, their proposed scale would be representative of the buildings that formerly occupied the site and sympathetic to the character of Alfreton Road and the Gamble Street area opposite, which lies within the same conservation area.
- 7.14 The Alfreton Road building has been designed to reflect the established streetscape of the area, having a strong brick frame with ordered and regular window openings and deep brick reveals. The commercial units have full height

glazed shop fronts, separated by brick piers. Images have been provided to indicate how the other three buildings proposed could be designed, suggesting a consistent architectural theme is used throughout the development. The elevational treatment and choice of materials are of a quality that would be a welcomed addition to the site and its surroundings. The final details of the materials would be dealt with by condition.

- 7.15 In conclusion, this is felt to be a well-considered scheme in urban design and architectural terms that complies with the aims of the NPPF, policy H2 of the Local Plan and policy 10 of the Aligned Core Strategy.

Issue (iii) Conservation Area (NPPF, Policy 11 of the Aligned Core Strategy and BE12 of the Local Plan)

- 7.16 The design of the scheme is considered to respond well to the Alfreton Road /Gamble Street Conservation Area, that covers the northern part of the site. As indicated above, Alfreton Road is characterised by a high density pattern of largely two and three storey commercial buildings with residential accommodation on the upper floors. There are larger mill buildings to the north on Russell Street, Gamble Street and Raleigh Street. These have a repetitive and symmetrical rhythm of large windows across their facades, which are replicated within the Alfreton Road building and, it is suggested, could be followed for the other three buildings on the site. The proposal also respects the historic pattern of streets which assists in maintaining the character and appearance of the Conservation Area. In this regard the development therefore complies with the NPPF, policy 11 of the Aligned Core Strategy and BE12 of the Local Plan.

Issue (iv) Residential Amenity (Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan)

- 7.17 At 3 to 5 storeys, the buildings opposite the existing residential properties are felt to be of an appropriate scale, having regard to the circumstances relating to each particular element of the development. Overall, the proposed buildings would be sited at sufficient distance to prevent any significant detrimental impact on neighbouring properties with regards loss of privacy, day light, sunlight or immediate outlook.
- 7.18 The apartments proposed within the Alfreton Building are of a generous size, with 1 bed apartments being of 48.5 sqm, 2 bed apartments being 65 sqm and 3 bed apartments being 83.2 sqm. Indicative layout plans demonstrate that similar size apartments could be provided within the Corner, Spine and Highurst Buildings. 80% of the units within the Alfreton Road building would be provided with their own private balcony areas. With regards the other three buildings, future occupants would have balconies or terraces and ground floor units on the road frontages would have their own front doors. Each building would have its own reception area and access to communal bin and bicycle storage facilities. Car parking areas are well surveyed and would be easily accessible to future occupants to whom spaces are allocated.
- 7.19 Windows have been positioned within the Alfreton Road building to prevent overlooking between apartments. For the outline scheme this would need to be addressed at the reserved matters stage.

- 7.20 The buildings' configuration in terms of their height and siting in relation to one another are such that internally, within the development there would be no detrimental impact on future occupants in terms of loss of daylight, sunlight or outlook. The size and orientation of the shared spaces would also provide a pleasant environment for future occupants that would further enhance the quality of the scheme.
- 7.21 To prevent noise, disturbance and odours from the commercial units on the ground floor of the Alfreton Road building, details of appropriate noise mitigation measures and ventilation schemes can be secured through conditions.
- 7.22 The proposal's impact upon the amenities of existing and future occupants therefore accords with policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

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

- 7.23 Highway colleagues have reviewed the Transport Assessment submitted with the application and concur that the traffic generated by the development would be less than that associated with the existing car park use and the previous use of the site. A condition preventing deliveries on Alfreton Road can be imposed, to ensure that servicing for both the commercial and residential units within the Alfreton Building does not impede the flow of traffic on this main thoroughfare. The travel plan framework is acceptable and its implementation can be secured by condition.
- 7.24 This site is located on Alfreton Road, a high frequency bus route in and out of the City Centre. It is also within walking distance of the City Centre and close to local shopping and community facilities. The level of parking provision is considered appropriate for this highly sustainable location, but it has been recommended by Highways colleagues that the car parking spaces should be allocated to prevent demand for on-street car parking in the area. Adequate bicycle storage facilities are proposed throughout the development. As the development could be delivered in phases, a condition securing a car parking strategy is recommended to address interim arrangements. A construction traffic management plan to cover the construction phases of the development can also be secured by condition.
- 7.25 There is a residents car parking scheme in operation around the site and Highways colleagues have indicated that residents of the proposed development may not be eligible for parking permits due to this being oversubscribed. Highway colleagues have also indicated that existing Traffic Regulation Orders in the area would need to be reviewed and Thackeray Street would need to be stopped up. The applicant is aware of these matters, and they can also be contained as informatives to the planning decision.
- 7.26 Through the use of conditions it is considered that the proposal would comply with policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

Issue (vi) Planning obligations (Policy 19 of the Aligned Core Strategy, Policy ST1 and Policy R2 of the Local Plan)

- 7.27 For this development the policy compliant planning obligations would be:
- Public Open Space - For the full planning element the contribution would be £60,977. The amount for the outline planning element would be formula based
 - Education - For the full planning element the contribution would be £45,817, to provide primary school places. The amount for the outline planning element would be formula based
- 7.28 The total commuted sum contribution for the full application element is therefore £106,794. A 20% on-site affordable housing scheme would also be required in the form of shared ownership units.
- 7.29 In terms of education, the local primary schools are already experiencing capacity issues and the development would therefore 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 would be used towards expanding the capacity of Mellors Primary School, which serves the area within which the site is located.
- 7.30 The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. This would be directed towards improvements at Ronald Street and Waterloo Crescent.
- 7.31 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.
- 7.32 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 NE5, NE9 and NE12 of the Local Plan)

- 7.33 The existing trees on the site would be lost as result of the proposal. Whilst those on Boden Street do have high amenity value, they are limited in number and it is considered that the overall benefits the scheme would bring in terms of regenerating a prominent and long standing vacant site, with the opportunity to plant new trees within the development, would offset this loss. New trees can be secured through landscaping conditions and as such the proposal would accord with policy NE5 of the Local Plan.
- 7.34 A remediation strategy to deal with ground contamination and noise assessment/sound insulation scheme would be secured by condition. The proposals are therefore in accordance with Policy NE9, NE12 of the Local Plan and Policy 10 of the Aligned Core Strategy.

8. SUSTAINABILITY / BIODIVERSITY

The development is capable of being designed to meet a 10% reduction in carbon emissions (beyond Building Regulations Part L 2013). This could be achieved by a 'fabric first approach' involving highly insulated walls, floors and roofs to provide a high 'u' value for the buildings. A condition can be used to secure this matter and as a result the development would accord with Policy 1 of the Aligned Core Strategy. The use of plants that encourage wildlife and the installation of bat and bird boxes would also assist in enhancing biodiversity.

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 mixed use development.

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 16/02524/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OG0DHXY01B00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

National Planning Policy Framework (March 2012)
Aligned Core Strategy (September 2014)

Contact Officer:

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Key
City Boundary

Description
No description provided

WARDS AFFECTED: Radford And Park

Item No:

PLANNING COMMITTEE
19th April 2017

REPORT OF CHIEF PLANNER

Radford Mill Southern Building, Norton Street

1 SUMMARY

Application No: 16/02301/PFUL3 for planning permission

Application by: Franklin Ellis Architects on behalf of Mabec Property

Proposal: Demolition and part demolition of existing buildings. Conversion to residential and new build residential to create 314 units.

The application is brought to Committee because this is a major application on a prominent site where there are important land use, design and heritage considerations. 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 26th January 2017. An extension of time has been agreed to 30th April 2017.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

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

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 which will form part of the Committee Update Sheet.

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 Radford Mill is located on the north side of Ilkeston Road between Garden Street and Norton Street. It is bounded to the north by a recently completed residential development for Nottingham Community Housing Association which comprises a mix of flats and family homes. To the east, on the opposite side of Garden Street, are the rear gardens of houses which front Hornbuckle Court and the Garden Street Family Centre. To the south is Ilkeston Road and a mix of generally 2 and 3 storey properties with commercial/retail groundfloors and some residential accommodation over. Norton Street and the Blooms Grove Industrial Estate lie to the west.
- 3.2 The part of Radford Mill that is remaining was the later development of three distinct phases of mill buildings on the site, which originally extended up to Denham Street to the North. The central buildings on the site were the oldest and dated back to 1850. The building to the North was constructed in 1890 with the final phase to the south with its distinctive tower being constructed in 1900. Radford Mill was occupied by William Hollins & Co Ltd who were famous for the development of the fabric Viyella, which was patented in 1894. The factory was closed in the 1960's and although occupied in part by a number of businesses since then, the buildings remained largely derelict for decades.
- 3.3 The Southern part of the mill that still stands is a substantial building constructed from red brick with bands of yellow brick, stone carving and terracotta details. The main building is flat roofed with the slate roofed tower to the south. Facing Norton Street is a single storey wing that runs along the length of the mill building.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the demolition/part demolition of existing buildings on the site and to convert the retained buildings and construct new build elements. Following the receipt of amended plans it is proposed to create a total of 314 residential units (456 bedspaces).
- 4.2 The development proposals are for a mixture of unit types comprising studios, apartments, cluster flats and vertical cluster 'houses'. The proposed breakdown of the types of accommodation is as follows: 211 studios, 4 x 6 bed cluster flats, 82 x 1 and 2 bed apartments and 17 x 2-7 vertical cluster units. The scheme is described as an "urban village" and it is proposed to create a centralised point of access from the main entrance on Ilkeston Road from which most residents would access the development. On the ground floor adjacent to the Ilkeston Road entrance a health and leisure facility for occupiers of the development is proposed. 80 car parking spaces, cycle parking and refuse storage is proposed at the 'basement' level, which is only partly beneath ground, on the eastern and northern sides of the building. The accommodation, certainly the higher density units and those with a larger number of bedrooms, would clearly lend themselves to student accommodation. However, the applicants are keen to emphasise that this is not intended to be an exclusively student accommodation scheme but rather would also be available for non-student occupants, particularly the 1 and 2 bed apartments.

- 4.3 The scheme has seen many revisions as a result of negotiations through the lifetime of the application. As amended, the proposals for the Mill are made up of the following elements:
- 4.4 *Existing Mill building.* It is proposed to retain the main Mill building and to convert this to studios and large cluster flats. This necessitates creating a full height lightwell in the centre of the building to address the building's very deep floor plan and provide light and ventilation to the units which would face into this area, also creating a courtyard at ground floor level. It is also proposed to add a further storey to the roof of the building to accommodate 1 and 2-bed apartments.
- 4.5 *Ilkeston Road new build.* The land to the south of the main Mill currently accommodates a 'court' of single storey industrial units. It is proposed that these buildings be demolished and a larger scale U-shaped building be constructed fronting Ilkeston Road. This would include the main entrance point for residents and the health and leisure facilities on the ground floor, with a mix of 1 and 2 bed apartments on the upper floors. An internal courtyard would be created which would comprise the main access route to other parts of the development. It is proposed that this building would be 5 to 6 storeys and contemporary in appearance. The materials are indicated as red brickwork, to form a primary grid frame, in-filled with a combination of glazing, vertical cladding and louvres.
- 4.6 *Garden Street new build.* The main Mill building is set back from Garden Street and along the frontage it is proposed to construct a terrace of 2.5 storey units. This would create 10 x 5 bed cluster 'houses'. It is proposed these would have individual front doors to Garden Street but they would also be accessed from within the development via a mews style space between the units and the main Mill. Their appearance would similarly be in the form of a brick grid frame in-filled with a combination of glazing, vertical cladding and louvres.
- 4.7 *Norton Street new build.* It is proposed that the existing two storey building on the frontage to Norton Street would be demolished. In its place it is proposed to construct a terrace of 2.5 storey units, similar to those along Garden Street in terms of the accommodation type and access arrangements. This would create 5 cluster units with a mix of 5 and 6 bedrooms. In terms of design their elevations would be a variation on the Garden Street units, but they would also include a pitch roof with rooflights.
- 4.8 *Northern end of Mill new build.* The northern elevation of the Mill is where the now demolished mill buildings to the north connected with the retained building. In this area it is proposed to erect a further new build element as an extension to the Mill building. This would be 3 to 5 storeys in scale and accommodate studio units. Windows in the north facing elevation are limited to the central area adjacent to the car park of the recently constructed apartments to the north. On the lowest level the proposed car park would extend into this area. The external appearance of this element follows a similar design approach to the other new build additions.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 50 neighbour notification letters were sent to nearby occupiers on Ilkeston Road, Norton Street, Garden Street and Hornbuckle Court. The application has also been

advertised on site and in the local newspaper. The period for comment expired on 07.12.2016.

- 5.2 There has been no representations made by neighbouring occupiers but comments have been received from the Nottingham Civic Society, raising the following points: The retention of this important landmark building, which is on the Local Interest List, is welcomed but they have reservations about part of the proposal. By introducing new build of a similar scale to the Ilkeston Road frontage, the impact of the original mill building and particularly its tower and west frontage will be virtually lost in views from Ilkeston Road. Historically the architectural might of this building is derived from its scale towering above domestic houses and commercial properties to the south. This dominance is maintained by the poor modern sheds which now front the site but it will be completely dissipated by the proposal as the historic building is more or less submerged into the new build at great loss to its character and townscape role. The height of the front range of the new build should be reconsidered.
- 5.3 Nearby residents have been consulted upon the revised proposals and the expiry date for comments is 15.04.2017.

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 objection subject to conditions requiring a car park permit system to be in place for the life of the development, the provision of visitor car parking within the site, signage to ensure the car parking one-way system is adhered to, and a construction management plan.

Drainage: No objection. Site must use SUDS techniques. Further details of disposal of surface water are required.

Biodiversity Officer: No objection. The building has been assessed to be unsuitable for supporting roosting bats. Comment that the development does not provide any biodiversity benefits for the city and queries whether there are any possibilities for incorporating this into the proposals.

Tree Officer: No objection. Should control both demolition and development through a pre-commencement condition to ensure trees on the Ilkeston Road frontage are safeguarded.

6 RELEVANT POLICIES AND GUIDANCE

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. 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.
- 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 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 Section 12 of the NPPF relates to conserving and enhancing the historic environment.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 - Density.

H5 – Affordable Housing.

H6 - Student Housing.

E4 - Regeneration of Previously-Used Employment Sites and Premises

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

NE3 - Conservation of species.

NE5 - Trees.

NE9 - Pollution.

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 11: The Historic Environment

Policy 14: Managing Travel Demand.

Policy 19: Developer contributions.

Other documents

Affordable Housing Policy and Developers Contributions, Supplementary Planning Guidance.

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main issues

- (i) Principle of the development, housing type and density;
- (ii) Layout, design and heritage considerations;
- (iii) Impact upon neighbouring occupiers;
- (iv) Highways impacts;
- (v) Planning obligations.

(i) Principle of the development, housing type and density (Local Plan policies E4, ST1, H2 and H6, Aligned Core Strategy policies A and 8)

7.1 This proposal is significant in strategic policy terms. It involves the regeneration of a long term semi dilapidated, brownfield site; a move from employment to residential use; the retention and renovation of a considerable heritage asset; and the provision of a large number of residential units in a highly sustainable location, including purpose built student accommodation.

7.2 The scheme's regenerative benefits are welcomed and build on the success of the recently completed housing scheme that has transformed the northern half of the Radford Mill site. Cumulatively this is hugely beneficial to the local community and wider area in general, seeing the redevelopment of a long term semi dilapidated site that has a negative impact on the quality of the local townscape/environment, and has become a focus for crime and anti-social behaviour. The loss of the employment use is recognised but as has been mentioned elsewhere, since closing as a factory in the 1960s the site has been largely under-utilised, gradually falling into a state of dilapidation. The Mill building is no longer suited to modern industrial processes, as demonstrated by its high vacancy rate over more recent years. The industrial court to the Ilkeston Road frontage is fully occupied and capable of continued employment use. However, this is modest in scale and there is adequate provision of comparable premises locally for existing tenants to be re-located. It is also recognised that this has a hugely negative impact upon the Mill's primary Ilkeston Road frontage and its retention would be a considerable barrier to the

redevelopment of the Mill, particularly for residential purposes, which is realistically the only viable alternative use that would enable the retention of the building.

- 7.3 The building is not listed nor within a Conservation Area. It is however an iconic landmark in this part of the city and a heritage asset of considerable note, acknowledged by its inclusion on the Local Interest List. The retention and renovation of the Mill therefore attracts significant weight in the consideration of this development proposal.
- 7.4 The proposal is for a high density residential scheme comprising a number of different unit typologies. The applicant's concept is for an 'urban village' that would be retained in single ownership and operated as a Private Rental Sector (PRS) scheme. This is reinforced by a primary main entrance off Ilkeston Road into a substantial area of communal facilities including a concierge, café/lounge, gym and swimming pool. As stated elsewhere, the accommodation is not intended exclusively for students but they are a key target market and certainly the higher density units and those with a larger number of bedrooms would clearly lend themselves to such occupants. In this regard the site is considered to be well located. Ilkeston Road is one of the main arterial, public transport routes used by students, linking the Jubilee Campus and student accommodation along St Peter's Street and Faraday Road with the City Centre. It is also close to the Alfreton Road Local Shopping Centre and the other nearby student accommodation in the Gamble Street area and on Talbot Street.
- 7.5 On the southern side of Ilkeston Road the site is directly adjacent to the area of high student concentration known as the Lenton Triangle. The development therefore has the opportunity to support the Council's broader aim of drawing students out of the traditional housing stock into purpose built student accommodation, in the aim of developing more balanced and sustainable communities in the areas most affected. The PRS element of the scheme more likely to be attractive to post graduates and young professionals is the new build apartments. Such accommodation is not common to the area and would help to broaden the property mix locally.
- 7.6 In conclusion, the scheme is welcomed in principle and would offer considerable benefits that accord with policies ST1, H2 and H6 of the Local Plan and policies A and 8 of the Aligned Core Strategy.

(ii) Layout, design and heritage considerations (Aligned Core Strategy policies 10 and 11)

- 7.7 As mentioned above, through negotiation the scheme has seen a number of changes, key amongst which are as follows:
- The number of floors to be added to the roof of the main Mill building has been reduced from two to one;
 - The eastern wing of the Ilkeston Road new build element has been set back such that it is recessed in relation to the tower, when viewed from Ilkeston Road along Garden Street;
 - The western wing of the Ilkeston Road new build element has had a 3 storey element 'cut out', closest to the main Mill building. When viewed from the west along Ilkeston Road this reveals the 'front'/south elevation of the Mill and the tower which are currently so prominent from Ilkeston Road;

- The vertical cluster 'houses' fronting Norton Street have had front doors provided providing direct access onto the street;
- 7.8 The overarching approach to developing the site, set around the retention of the main Mill building, is supported in principle. The floor depth of the Mill is recognised as a constraint to residential conversion, which is appropriately addressed with a central 'lightwell'. Although this clearly restricts light at the lower levels, with dimensions of 21m by 9 m, it is considered to be of an appropriate size for this purpose and would be comparable to similarly constrained spaces which are typically found between and amongst taller buildings in dense urban areas. Across the lightwell, window to window amenity issues are addressed by having corridors opposite bedrooms/studios.
- 7.9 The new build element to the north of the Mill replaces buildings of a similar scale and has generally been designed to respect the relationship with the recently completed houses and flats to the north. In particular, windows are located in the central area of the north elevation with an outlook over the large communal car park of the newly built flats.
- 7.10 The lower terraced blocks to the side of the Mill, fronting Garden Street and Norton Street, replace buildings of a comparable scale, or were historically. The existing building fronting Norton Street is not without merit but it is recognised that this would be difficult to convert and its demolition and replacement with a terrace of cluster 'houses' is supported within the context of the overall scheme and the renovation of the primary Mill building.
- 7.11 Regarding the new build element fronting Ilkeston Road, with the original scheme the concerns of the Civic Society were shared. While it was generally felt that Ilkeston Road was capable of accommodating the scale and height of building proposed, which is also in keeping with the scale of the Mill and helps to reinforce the primacy that it holds within the local townscape. However, the complete obscuring of the Mill's southern elevation and lower element of the tower was identified as a concern. The revisions to the scheme are felt to address these concerns. The gap that has been created in the west wing of the new build element allows a view of the Mill's southern elevation and its relationship to the tower to be retained from Ilkeston Road. The setting back of the eastern wing also ensures that the new build element defers to the tower and enables this to remain the dominant feature.
- 7.12 Finally, the omission of a floor to the roof of the Mill is welcomed. With its flat roof it is felt that the Mill is capable of accommodating and upward extension. However, a single floor is felt to be far more appropriate in terms of scale, particularly in the many distant and elevated views that the Mill benefits from.
- 7.13 In conclusion, with the revisions made, the scheme is considered to be an appropriate design response to the constraints and opportunities of the site that respects and, above all, secures the retention of this iconic local heritage asset. The proposals are therefore in accordance with policies 10 and 11 of the Aligned Coe Strategy.

(iii) Impact upon neighbouring occupiers (Aligned Core Strategy policy 10)

- 7.14 It is considered that the proposed development would have an acceptable impact on the premises and occupiers neighbouring the site. It is noteworthy that no

objections to the scheme have been received from local residents or businesses and certainly the renovation of the Mill and associated development of this semi-dilapidated site would bring considerable benefits to the locality in general. To the west is the Blooms Grove Industrial Estate for whom there would be no overlooking or overbearing issues. The principal issue of businesses within the estate would be likely to concern any traffic or parking impact, which is considered below. To the west are 3-4 dwellings that front Hornbuckle Court and back onto Garden Street, and the Garden Street Family Centre. The former are primarily located opposite the northern end of the Mill and the new build element at this end of the building, which largely replaces former mill buildings that previously existed on this adjacent part of the larger Radford Mill site. Their distance from and orientation in relation to the site is such that it is not considered that amenity issues would arise. The Family Centre is a single storey building that does not have a residential component. As with the eastern side of the existing Mill building, the new build element to the south would also be set back a considerable distance from Garden Street, where it would in part be opposite the Family Centre. The 2.5 storey terrace fronting Garden Street would also be opposite to the Family Centre in part, but is considered to be of an appropriate scale and use to respect this relationship. Additionally, given its day time use, it is not felt that the development would give rise to any significant amenity concerns.

- 7.15 The relationship of the new build element to the north of the Mill with the neighbouring residential scheme has been described elsewhere. The scale and positioning of windows in this element have been designed in response to this relationship and although close to the neighbouring properties, the amended scheme is considered to be acceptable in this regard, particularly given the scale of buildings that formerly existed on this part of the site.
- 7.16 Given its scale and height at 6 storeys, the new build element to the south of the Mill would have a marked impact upon Ilkeston Road. However, this is a main arterial route into the city which is of a character and width capable of accommodating such scale of development. Furthermore, the properties opposite are largely commercial/retail units on the ground floor with some residential accommodation above. The width of the street is felt to be sufficient for securing an acceptable level of amenity in terms of privacy and, located to the south of Radford Mill, they would not be impacted upon in terms of any overshadowing or loss of light.
- 7.17 In conclusion, regarding impact on neighbouring occupiers, the proposed development satisfactorily addresses the relevant criteria of Aligned Core Strategy policy 10.

(iv) Highways impacts (Local Plan policy T3 and Aligned Core Strategy and policies 10 and 14)

- 7.18 The site benefits from being in a highly sustainable location on one of the main arterial bus routes into the City Centre.
- 7.19 Given the high proportion of student accommodation within the scheme, a generous level of parking provision is provided as a result of the existing basement level, which would be unsuitable for any other purpose. This is likely to be available for the larger apartment units and would ensure that there is no excessive demand for on-street parking as a result of the development. The scheme also incorporates

adequate cycle parking facilities which are located alongside the communal facilities, and electric car charging points can be secured by condition.

7.20 Highways have not raised any objections to the proposed scheme and the issues they identify for further control or assessment are proposed to be secured by condition.

7.21 In this regard it is considered that the development satisfies the requirements of Policy T3 of the Local Plan and policies 10 and 14 of the Aligned Core Strategy.

(v) Planning obligations (Local Plan policies ST1, H5 and R2, and Aligned Core Strategy policies 8 and 19)

7.22 For this development the policy compliant planning obligations for the originally submitted scheme upon which the District Valuer are undertaking their assessment would be:

Affordable housing - £551,320
Public open space - £135,957.04
Education contribution - £69,175

7.23 The total commuted sum contribution would therefore be £756,452.04.

7.24 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 would be used towards expanding the capacity of the primary schools within the Lenton Schools Pupil Planning Area, within which the site is located.

7.25 The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. This would be directed towards improvements at Wollaton Park or Highfields Park which are part of the nearest and largest areas of public open space.

7.26 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.

7.27 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 (Local Plan policies NE5, NE9 and NE12 and Aligned Core Strategy policy 1)

7.28 To address the issues raised by Environmental Health and Safer Places, a remediation strategy to deal with ground contamination, a noise assessment and sound insulation scheme, and the provision of electric vehicle charging can be

secured by condition. A condition is also proposed requiring the submission of details relating to the disposal of surface water. The proposals are therefore in accordance with Policies NE9 and NE12 of the Local Plan.

- 7.29 The Tree Officer is satisfied that that the trees on the adjacent landscaped area would not be adversely impacted upon by the proposed development. A condition requiring an arboricultural method statement is proposed to ensure that they are properly protected during the construction period. Policy NE5 of the Local Plan is therefore satisfied.

8. SUSTAINABILITY/BIODIVERSITY (Local Plan policies NE3 and Aligned Core Strategy policy 1)

- 8.1 The Biodiversity Officer has suggested that the opportunity should be taken to introduce some nature conservation benefits into the development and a condition is proposed requiring the submission of a scheme setting out proposals in this respect.

- 8.2 An Energy Statement has been submitted with the application which focuses upon the new build elements of the scheme. This sets out that an energy efficient approach would be adopted through enhanced U-values to improve thermal insulation for heat loss reduction. Measures would include the use of high performance double glazed windows with low emissivity coating; a mix of individual and communal gas boilers with modern controls to minimise energy use; low air tightness; a combination of natural and mechanical extract ventilation strategy; and 100% low energy lighting. It is also proposed to achieve a 10% reduction in carbon emissions through the use of photovoltaics at roof level. Based on this package of measures, Aligned Core Strategy policy 1 is satisfied.

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 brownfield site with a high quality, sustainable residential development.

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 16/02301/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OEMN72LY01B00>

Email dated 13.12.2017 from Nottingham Civic Society

Email dated 11.11.2016 from Environmental Health and Safer Places

Email dated 07.11.2016 from Tree Officer

Highway observations dated 25.11.2017

Email dated 15.11.2017 from Drainage

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:

Mrs Janet Keble (Tues,Wed,Thurs), Case Officer, Development Management.


Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 87640

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Key
 City Boundary

Description
 No description provided

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WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
19th April 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 9th 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. 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 Crescent 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 development 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 have 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 Council's 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

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.
- 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 The proposed scheme has 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.
- 7.14 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.
- 7.15 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.

7.16 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.

7.17 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)

7.18 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.

7.19 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.

7.20 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.

7.21 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)

7.22 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.

- 7.23 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.
- 7.24 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.
- 7.25 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)

- 7.26 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.

- 7.27 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.
- 7.28 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.
- 7.29 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.

- 7.30 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)

- 7.31 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.
- 7.32 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. Telephone: 0115 8764041

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Key
City Boundary

Description
No description provided

My Ref: 16/01986/PFUL3 (PP-05403844)
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

Mr Mike Askey
37 A Sneinton Hermitage
Nottingham
NG2 4BT

Date of decision:

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

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

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 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_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Reason: To 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.



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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.

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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