



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 16 August 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: Zena West **Direct Dial:** 0115 8764305

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|----------|---|----------------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTERESTS | |
| 3 | MINUTES | 3 - 10 |
| | Of the meeting held on 19 July 2017 (for confirmation) | |
| 4 | PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER | |
| a | ALLOTMENTS REAR OF 108 TO 150 RUSSELL DRIVE | 11 - 24 |
| b | SPRINGWOOD CENTRE, RANSOM DRIVE | 25 - 42 |

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

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

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND

REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 19 July 2017 from 2.32 pm - 3.58 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Liaqat Ali
Councillor Cat Arnold
Councillor Graham Chapman
Councillor Azad Choudhry
Councillor Josh Cook
Councillor Georgina Culley
Councillor Michael Edwards
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Brian Parbutt
Councillor Mohammed Saghir
Councillor Malcolm Wood

Absent

Councillor Alan Clark
Councillor Andrew Rule
Councillor Wendy Smith
Councillor Linda Woodings
Councillor Steve Young

Colleagues, partners and others in attendance:

Ann Barrett - Team Leader, Legal Services
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Chief Planner
Nigel Turpin - Design and Conservation Manager
James Welbourn - Governance Officer

16 APOLOGIES FOR ABSENCE

Councillor Alan Clark - personal reasons
Councillor Andrew Rule - work commitments (substituted by
Councillor Georgina Culley)
Councillor Wendy Smith - annual leave (substituted by Councillor
Liaqat Ali)
Councillor Linda Woodings - work commitments
Councillor Steve Young - unwell (substituted by Councillor Michael
Edwards)

17 DECLARATIONS OF INTERESTS

None.

18 MINUTES

The minutes of the meeting held on 21 June were agreed as a true record and signed by the Chair.

19 9 - 10 SHORT HILL AND 54 - 56 HIGH PAVEMENT

Rob Percival, Area Planning Manager introduced applications 16/02249/PFUL3 and 16/02250/LLIS1 for Planning Permission and Listed Building Consent respectively made by Rg+p on behalf of Abode Nottingham Ltd for 117 apartments with basement car park, comprising change of use of rear of 9 Short Hill (plus additional floor to roof), change of use of 54-56 High Pavement, a new 5-storey building to Short Hill, a new 3/5/7-storey building to Malin Hill, demolition of 10 Short Hill (facade retained) and demolition of extensions at rear of 56 High Pavement.

Rob Percival delivered a brief presentation which included photographs and plans of the current site, plans and computer generated images (CGIs) of the proposed development, the details of which are within the report.

The following points were highlighted:

- (a) the link to Trivett Square is made of largely glazed and joins the two schemes together;
- (b) the intention is to use different brickwork between different elements of the scheme, reinforcing the grain and sense of a collection of buildings which references the site context and what was on the site historically;
- (c) there is an opportunity to refine the design of the entrance to the courtyard from Short Hill;
- (d) the consultation period for comments from the Georgian Society extend until 11 August;

Reference was also made to the update sheet which addressed additional comments from a neighbouring property and provided an amended form of recommendation

Further comment from Committee was provided, and is documented below:

- (e) this decision affects a key and important view in the City. It restores a bombsite gap that has been there since 1941 – that is to be welcomed, as is the regeneration of that section of the Lace Market and the retention of most of the Malin Hill wall;
- (f) emphasis could be made of the narrow central tower by using darker brick on the buildings either side;

- (g) the flat roof on the tallest element next to the Trivett Square tower is too high; a pitched solution could make it more acceptable;
- (h) the proposed buildings on Short Hill could benefit from referencing the detail on the adjacent buildings, including having lintels added to the windows; this would aid character;
- (i) consideration should be given to the view of the turret at 9 Short Hill from the courtyard within the development;
- (j) only 27 car parking spaces are listed in the report, and this doesn't seem to be enough for 117 apartments;
- (k) it is pleasing that this scheme has come back as a residential scheme rather than an office scheme;
- (l) the southern elevation and taller elements of the scheme are too 'blocky';
- (m) the design for the main entrance is not very inspiring;

Rob Percival responded to some of the Committee's comments as follows:

- (n) the scheme went to the Design Review Panel at an early stage. There has been a lot of subsequent re- design;
- (o) the overall height of the tallest element has taken the eaves of the Trivett Square tower as its reference point;
- (p) there is further scope to look at issues such as the detailing on the windows, and the design of the main and courtyard entrances;
- (q) if you were within the courtyard, you would not be able to see the turret at 9 Short Hill; you would only be able to see it when looking at the scheme from a distance, where views of it have been respected;
- (r) the amount of parking spaces is driven by the constraints of the site. The previous office scheme had a much larger car park but at the expense of losing the cave below the site. This scheme has the advantage of retaining the historic cave and given the sustainable location of the site, the proposed level of car parking is felt to be acceptable.

RESOLVED to delegate power to the Chief Planner to grant both Planning Permission and Listed Building Consent in consultation with the Chair, Vice Chair, opposition spokesperson and Councillors Wood and Edwards subject to:-

- i) no material matters being raised in relation to either application pending the expiry of the consultation period with the Georgian Society on 11 August 2017;**
- ii) 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 (outlined in general in the**

Planning application report) should be required to be included in a planning obligation and if so for that obligation to be completed prior to the grant of planning permission. The final content of the planning obligation to be determined by the Chief Planner following consultation with the Chair, Vice Chair and opposition spokesperson and subject to him being satisfied that the obligation sought complies with the provisions of Regulation 122(2) and 123(3) of the Community Infrastructure Levy Regulations 2010;

- iii) conditions substantially in the form of those outlined in the update sheet with such amendments or addition(s) as as the Chief Planner feels appropriate, and;**
- iv) In the event of there being no general consensus reached between the Chief Planner, the Chair, Vice Chair, opposition spokesperson and Councillors Wood and Edwards in relation to the applications, that they be returned to Planning Committee for determination.**

20 BESTWOOD CENTRE, BESTWOOD ROAD

Both Councillors Wood and Saghir left the room for short periods of time during consideration of this item and did not take part in either the debate or vote.

Martin Poole, Area Planning Manager, introduced application 17/00241/PFUL3 by RDA Consultant Architects LLP on behalf of Peter James Homes Ltd for 48 dwellings and associated infrastructure.

Martin Poole delivered a brief presentation which included photographs and plans of the current site, plans and computer generated images (CGIs) and addressed the issues outlined in the update sheet.

When the application was originally submitted, the proposed site layout turned its back on Bestwood Road and was very inward facing. The revised plans provide frontage to Bestwood Road. Bestwood Road is subject to a 40mph speed limit, and the developer is proposing to reduce this to 30mph, with additional traffic calming, secured through the normal process of highway agreements.

For boundary treatments, the developer is proposing a mix of Bulwell stone walls, estate-type railings, a mixture of walls and panel fencing, and hedges.

Some of the concerns and further observations of the Committee were:

- It is difficult to appreciate some of the detail of the scheme from the CGIs alone;
- The sides of some of the houses have incredibly small windows;
- One of the focuses needs to be on making these houses more environmentally friendly, which also has the benefit of keeping heating costs down;
- The development could have a positive impact on speed on Bestwood Road, with the houses being road-facing. This may slow people down.

Martin Poole responded to some of these concerns as follows:

- (a) the houses are of red brick with tiled roofs. However, these are matters that would be subject to a planning condition requiring the details to be submitted approved. Councillors concerns to see a variety of materials would be taken into account when considering the details;
- (b) approval of the details of windows are to be subject to a planning condition;
- (c) a proportion of the units will be provided with electric charging points. This will be the subject of further discussion between the developer and officers, and secured by condition;
- (d) the speed of cars has been looked at very carefully by Highways colleagues, and they have concluded that the scheme is acceptable in road safety terms.

RESOLVED, subject to no additional material matters arising in response to consultation, by 9 August 2017, to GRANT PLANNING PERMISSION subject to:

- a) Prior completion of an agreement under section 111 of the Local Government Act 1972 requiring the applicant to enter into a section 106 planning obligation on transfer of the site to it which shall include:
 - (i) A financial contribution towards off site public open space improvements at Bulwell Hall Park;**
 - (ii) A financial contribution towards the provision of school places;**
 - (iii) A financial contribution in lieu of on-site provision of affordable housing;****
- b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.**

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

- (c) Councillors are satisfied that Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:
 - (i) necessary to make the development acceptable in planning terms,**
 - (ii) directly related to the development and;**
 - (iii) fairly and reasonably related in scale and kind to the development.****

(d) 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) of the Community Infrastructure Levy Regulations 2010.

21 ST THOMAS MORES RC CHURCH

Rob Percival, Area Planning Manager introduced planning application 16/02298/PFUL3 for planning permission for extensions to the existing church and a proposed separate church hall and carpark.

Rob Percival delivered a brief presentation which included photographs and plans of the current site, plans and computer generated images (CGIs) of the proposed development and addressed the issues outlined in the update sheet.

The proposed extensions to the church are fairly modest, the original plans have been amended to bring the new church hall into line with the church and to direct the access to the car park to the rear of the church hall, to be replaced with landscaping and a pedestrian access to the front.

The application was brought to Committee due to the level of interest contrary to Officer recommendations which had been received. The focus of this interest is on traffic and parking issues, along with ecological concerns, and the possibility that increased use of the church could lead to issues of noise.

Rob Percival responded to these concerns:

- There is a restriction on the hours of use of the church hall and to prevent its use when there is a church service, to avoid a double demand for the use of the parking spaces;
- Whilst a previous application in relation to the nearby housing development had raised concerns regarding the impact on nearby badgers and their sets, there was no significant harm arising from this application and a condition would be imposed to address mitigation measures;
- A bat survey has been carried out on the church itself – the conclusion is that there are no bat roosts in the church itself and no mitigation measures are required;

The Committee provided further comment:

- (a) the area in question is already affected by parking for schools, and will have an impact on residential properties;
- (b) could there be a restriction on developing before the hours of 7:30am?
- (c) it is quite clear that there is a run of badgers around the site;
- (d) more parking spaces could have been added if the trees and green spaces within the car park were removed.

Rob Percival responded to the comments:

- (e) the site is near to a school so suffers from vehicular problems that are common to all schools. Parking has been looked at from the site's point of view rather than providing further spaces for the wider area. The church has maintained the same levels of parking;
- (f) Highways are looking at traffic generated by the church itself, and are of the view that the level of parking proposed is appropriate to the church;
- (g) construction hours is not something controlled by Planning, but there is established good practice on this issue which can be controlled via Environmental Health colleagues;

- (h) it has been accepted that there is no harmful impact on badgers as a result of this development;
- (i) the archaeology of the site has been acknowledged and addressed through the conditions of the proposed development;
- (j) landscaping and trees are felt to be an important part of the proposed scheme, with a concern about its impact on the 'street scene' if it was just to be a car park hard up to the front boundary. It needs to remain attractive for neighbouring residents.

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

The power to determine the final details of the conditions is to be delegated to the Chief Planner.

It is noted that Councillor Georgina Culley did not support the application.

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WARDS AFFECTED: Wollaton West

Item No:

**PLANNING COMMITTEE
16th August 2017**

REPORT OF CHIEF PLANNER

Allotments Rear Of 108 To 150 , Russell Drive

1 SUMMARY

Application No: 17/00965/PRES4 for approval of reserved matters

Application by: Mr Chris Waumsley on behalf of Avant Homes (England) Ltd
Midlands Division And Commercial Estates

Proposal: Approval of reserved matters relating to housing and nature
reserve phases for outline planning permission reference
12/01583/POUT varied by application reference 15/03129/PVAR3.

The application is brought to Committee because this is a sensitive major application on a site that has generated significant interest.

To meet the Council's Performance Targets this application should have been determined by 3rd August 2017.

2 RECOMMENDATIONS

Grant Planning Permission subject to:

1) The conditions listed in the draft decision notice at the end of this report.

2.1 The power to determine the final details of the conditions to be delegated to the Chief Planning Officer.

3 BACKGROUND

3.1 Outline planning permission was granted on appeal on the 8th May 2014 for residential development and regeneration of allotments, incorporating new public open space, access, drainage infrastructure and ecological enhancement (Planning reference 12/01583/POUT). Subsequently an application to vary conditions attached to the original outline was granted under planning reference 15/03129/PVAR3, to enable the development to be delivered in phases.

3.2 The phasing that has been agreed would see the development delivered in two phases. Phase 1 would provide 53 allotments, largely for the existing gardeners being relocated, and work would commence on providing the first 55 dwellings. Phase 2 would involve the provision of the remaining 129 allotment plots and the remaining 34 houses, of the 89 houses currently proposed. The nature reserve and public open space are to be provided as part of the second phase of the development.

- 3.3 This current application relates to the reserved matter details required for the housing, nature reserve and public open space. The reserved matters that need to be approved are appearance, layout, scale and landscaping. The varied outline permission limited the number of dwellings to no more than 110 and it also required the reserved matters submissions to be designed to broadly accord with the master plan approved when the outline application was allowed on appeal. The varied outline planning permission also contains a number of other conditions which seek specific details relating to highway access, ecology, provision of the allotment plots, public open space, drainage, external lighting, contamination, energy and a travel plan. The public open space condition requires this to be provided prior to the occupation of the 55th dwelling.
- 3.4 Details relating to the allotments have been submitted, and are currently pending consideration.

4 DETAILS OF THE PROPOSAL

As indicated above the current application seeks approval of the following reserved matters relating to the housing, nature reserve and public open space elements of the proposed development: appearance, layout, scale and landscaping. The housing element consists of 89 dwellings, comprising a mix of 12 x 2 bed, 24 x 3 bed, 28 x 4 bed and 19 x 5 bed units. The houses would be provided in the south western area of the site and would be accessed from Russell Drive. The housing element bounds existing properties on Torvill Drive, Pembury Drive and Ewell Road. The public open space is proposed between the housing area and the allotments proposed to the north east and southern areas of the site. The nature reserve would be located in an area of land that sits between the eastern boundary of the site with properties on Rudge Close, and Martin's Pond.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

466 people were notified of the application in writing, which included those people whose properties bound the site or who have previously made representations regarding the proposal. The application has also been advertised by a press and site notice. As a result of this publicity 14 representations have been received. These raise the following issues:

- The site has been neglected for too long.
- The allotments should be completed before any housing is built.
- Tree clearance should take place during the winter to safeguard wildlife.
- Starter homes and affordable homes should be provided as part of the development.
- Concerns are raised over suggested access to the Martin's Pond Nature Reserve from the development site. It is advisable that no direct access to the Martin's Pond area is provided, to assist in safeguarding ecology interest and to prevent any safety hazard due to the presence of the pond. It may be preferable to provide a link from the proposed nature reserve to Martin's Pond.
- The boundary of the Allotment site adjacent to properties off Rudge Close is not accurately drawn.
- The development will increase the amount of traffic in the area and add to existing congestion.

- There is not the infrastructure available to cope with this proposed development.
- Proximity of the new dwellings to properties in the existing area; noise, disturbance and privacy issues are raised, together with potential impact on a local residents business.
- Lack of a green screen around the boundary.
- Lack of privacy for dwellings on Rudge Close who would be located to the east of the Nature Reserve.
- The new ponds proposed as part of the new nature reserve will affect the water table and could cause subsidence and heave. The allotment site is susceptible to flooding.
- The new ponds could attract insects and also become a breeding ground for mosquitos.
- Concern over loss of habitat particularly for the ringlet butterfly.
- Concern over a bank that runs along the rear of properties on Torvill Drive and the ability to maintain the boundary. A request for the bank to be built up has been made.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections.

Highways: No objections in principle. They have also suggested a number of conditions relating to construction management, dimensions of car parking spaces, provision of sight lines to vehicular access points, reinstatement of redundant footways and provision of the layout geometry of roads. Highway colleagues have also indicated that the applicants should investigate the need for alterations to Traffic Regulation Orders in the area.

Environment Agency: No objections but have requested that the NCC drainage team are consulted.

English Nature: No objections.

Coal Authority: No objections.

Drainage: No objections and note that the outline permission already contains a number of conditions relating to drainage.

Ecology Officer: Concerns are raised over the level of planting within the scheme. They have advised that there should be public access from the site to Martin's Pond, but that the new proposed nature reserve should have restricted public access.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012):

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.

- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land 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.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 – Density.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014):

Policy A: Presumption in Favour of Sustainable Development.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 14: Managing Travel Demand.

Policy 17: Biodiversity.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues:

- (i) Design, appearance, scale and layout of the housing**
- (ii) Design, appearance, scale and layout of the public open space, nature reserve and relationship to Martin's Pond**
- (iii) Impact on Residential Amenity**
- (iv) Highway and traffic considerations**

Issue (i) Design, appearance, scale and layout of the housing (Policy ST1 and Policy H2 of the Local Plan, Policy 8 and Policy 10 of the Aligned Core Strategy and chapter 7 of the NPPF)

- 7.1 The scheme has been designed to broadly accord with the approved master plan and the proposal is for 89 dwellings which is less than the 110 dwellings that the

varied outline application permits. Therefore the proposal accords with the parameters set by the varied outline permission.

- 7.2 The proposed mix of housing is considered to accord with the aims and objectives of Policy ST1 of the Local Plan and Policy 8 of the Aligned Core Strategy which seek to encourage family housing.
- 7.3 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.
- 7.4 This is a relatively low density development which respects the general character of this part of Wollaton. Considerable design development has been carried out to ensure that the scale and density of the new dwellings sit comfortably within the street scenes being created. The width of roads and junctions has also been amended to reinforce the character of the development, to reduce vehicle speeds and to improve the environment for pedestrians.
- 7.5 The scheme has been designed to provide active frontages, surveillance over the street and also to secure private rear gardens. The new family dwellings would be two storeys in height and a mixture of detached, semi-detached and short terraces, to reflect the context of the surrounding residential properties. Bin stores are primarily proposed to be located in rear gardens.
- 7.6 The general design aesthetic of the development is of a classic garden suburb. The elevational treatment of the dwellings, 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.
- 7.7 New street trees are proposed within the development, along with on-plot trees within front gardens, whilst railings with hedges and brick walls are proposed to provide enclosure to the street frontages.
- 7.8 Concerns have been raised by local residents over the lack of a green screen around the boundary of the site. The depths of the gardens to the new properties along the perimeter of the site have been increased to respect the privacy and outlook of neighbouring properties. Appropriate boundary treatment is also to be provided; it is anticipated that this would include provision of fencing, hedging and trees depending on the specific circumstances of each stretch of the boundary. The precise details of the all enclosures and planting would be dealt with by condition.
- 7.9 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.

(ii) Design, appearance, scale and layout of the public open space, nature reserve and relationship to Martin's Pond (Policy 10 and Policy 17 of the Aligned Core Strategy)

- 7.10 The general design of the public open space accords with the approved master plan. As indicated above the outline permission contains a condition relating to the public open space, it requires the precise details of its hard and soft landscaping to be provided prior to the commencement of any dwelling, together with details of maintenance and management scheme.

- 7.11 Comments received from the City Ecologist indicate that it was always intended for there to be access from the development site to Martin's Pond, with appropriate fencing and planting. It would be unreasonable to restrict access to the pond as suggested within comments received from local residents. It is also noted that S106 contributions toward habitat improvements are being made to Martin's Pond Nature Reserve as part of the application, which again indicate that access should be provided. Precise details of the boundary treatment to the Pond can be secured through condition.
- 7.12 The City Ecologist has also indicated that the new nature reserve area is not intended to be accessible (unless necessary for management activities) for at least the first 10 years. This is necessary to create a wildlife area and not a mixed use space, to compensate for the loss of habitat as a result of the development. There is a separate condition on the outline application requiring precise details of habitat creation and a habitat management plan. Concerns have been raised regarding the location of the nature reserve to properties on Rudge Close. Making the nature reserve non-accessible would help address privacy issues raised, however the ecology that the ponds would support outweighs any concern over potential increase in the number of insects at the site. The ponds have always been anticipated to be a feature of the nature reserve and formed part of the approved master plan.
- 7.13 The ringlet butterfly is not a protected species; however discussions being held in regards to habitat provision have sought provision of a range of habitats to support a number of different species, including the ringlet butterfly.
- 7.14 With regards to planting issues raised by the Ecologist, discussions are taking place with the developer to ensure that the design of the housing element supports habitat creation/retention. Condition 17 of the outline planning permission requires the precise details of this and also the provision of a habitat management plan. In this way ecology at the site can be safeguarded and enhanced.

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

- 7.15 Amendments have been made to the proposed layout to take into account the existing residential properties which abut the site. The garden depths of the new properties along the perimeter of the site have been increased so that they are between 13m and 15m. Consideration has also been given to properties on Torvill Drive which are set at a higher level to the development site. The amendments made 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.
- 7.16 Some local residents have questioned whether the bank that runs along the rear of some of the Torvill Drive properties could be built up through the provision of a Gambian type wall. However this is not possible as the area of land falls outside of the application site and at its highest point rises to about 4-5m in height. This would be beyond the scope of this reserved matters submission. Providing appropriate garden depths to new properties and boundary treatments should ensure that no future maintenance and boundary disputes occur.

7.17 Garden depths, provision of boundary enclosures and planting, and the orientation of new properties within the development would ensure that there would be no unreasonable impact in terms of noise and disturbance for either new occupants of the site or those living in neighbouring properties.

7.18 The adjustments made to the scheme ensure that the development accords with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan.

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

7.19 The proposed scheme provides varying levels off- street parking within the plots of the proposed dwellings, relative to the size of the properties. Provision has also been made to provide on-street car parking for visitors. The extent and the integration of the parking provision is acceptable and complies with Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

7.20 Concerns have been raised by local residents in relation to the level of traffic that the development would generate. The impact of the development on the local highway network was considered as part of the appeal process related to the outline application 12/01583/POUT. The Inspector considered that limiting the development to no more than 110 dwellings would make the proposal acceptable.

7.21 Highway colleagues have suggested a number of conditions relating to construction management, footways, vehicular access and car parking. However this is a reserved matters application specifically in relation to appearance, layout, scale and landscaping. The introduction of the conditions suggested would be outside the scope of this application. On appeal the Planning Inspector did not consider such conditions necessary, though it is noted that there is a condition on the outline application which requires precise details of the Russell Drive access design, which would provide the geometry details requested by Highways.

Other Matters

Infrastructure and Planning Obligations

7.22 A number of local residents have raised concerns over whether there is capacity within the local area to cope with the number of additional dwellings proposed. The principle of the development and the need for infrastructure were considered at the time the outline application was permitted. A planning obligation was agreed at that time, which was carried through to the varied outline permission. The current application is for reserved matters approval and as such there is no opportunity to revisit the agreed planning obligation. The planning obligation makes the following provisions:

- 1) Provision for 20% of the dwellings to be provided as affordable dwellings (based on 89 dwellings this would equate to 18 dwellings);
- 2) A contribution towards education provision at Fernwood Primary School (approximately £183,509) and Fernwood Academy (approximately £122,891) (based on 89 dwellings);
- 3) Provision of travel passes for each new household on occupation;
- 4) Provision of £50,000 towards pedestrian crossing improvements on Russell Drive and £40,000 towards the improvement of two bus stops on Russell Drive, adjacent to the proposed access;

- 5) Provision of a pedestrian footpath up to the sites boundary with Torvill Drive;
- 6) Provision of £10,000 should travel plan targets not be met;
- 7) Provision off £150,000 for the enhancement of the Martin's Pond and Harrison's Plantation.

7.23 The layout provided shows the location of 18 affordable dwellings, 12 of which would be 2 bedroomed properties and 6 would be 3 bedroomed properties. The number and mix of units accords with the agreed planning obligation.

Phasing of the development

7.24 A number of representations have raised queries over the precise timing of each element of the overall development. Phasing has already been agreed and is controlled through a phasing condition imposed as part of the varied outline planning permission, details of which are referred to at paragraph 3.2.

Drainage and flooding

7.25 Conditions were attached to the varied outline planning permission in relation to drainage in order to safeguard against flooding. The drainage scheme to be submitted needs to take into account the hydrological and hydrogeological of the site which should assist in safeguarding against inappropriate changes to the areas water table.

Boundaries

7.26 The applicant is aware of the boundary issues raised by local residents. The precise location and responsibilities of boundary enclosures falls outside of the planning remit; however planning does not override the need to respect any other legal rights relating to these.

8. SUSTAINABILITY / BIODIVERSITY

Conditions have been attached to the outline permission which seek to enhance and safeguard the ecological value of the site. The requirement for precise landscaping details can also ensure that planting to public areas enhances the biodiversity of the site.

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: Provision of sustainable residential 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: 17/00965/PRES4 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OPD4Q2LYISJ00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Miss Jenny Cole, Case Officer, Development Management.

Email: jenny.cole@nottinghamcity.gov.uk Telephone: 0115 8764027

NOMAD printed map



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THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk (ext. 64341) for high quality maps.



Key
— City Boundary

Description
No description provided

My Ref: 17/00965/PRES4 (PP-05963469)
Your Ref:
Contact: Miss Jenny Cole
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Chris Waumsley
Freeths LLP
Cumberland Court
80 Mount Street
Nottingham
NG1 6HH

Date of decision:

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

Application No: 17/00965/PRES4 (PP-05963469)
Application by: Avant Homes (England) Ltd Midlands Division And Commercia...
Location: Allotments Rear Of 108 To 150 , Russell Drive, Nottingham
Proposal: Approval of reserved matters relating to housing and nature reserve phases for outline planning permission reference 12/01583/POUT varied by application reference 15/03129/PVAR3.

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

Pre-commencement conditions

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

1. Prior to the commencement of any dwelling hereby approved the following shall be submitted to and approved in writing by the Local Planning Authority:-
 - (i) Precise details of all facing materials to be used within each dwelling and garage, the information shall include details of the colour and type of bricks, render, doors, windows and timber detailing to be used, including reveal depths.
 - (ii) Details of the boundary treatment for each plot.
 - (iii) Details of the hard surfacing to be provided to driveways, car parking spaces and footpaths leading to the front doors of each dwelling.

The dwellings shall be provided in accordance with the approved details prior to their first occupation.

Reason: To ensure a development of satisfactory visual appearance to accord with Policy 10 of the Aligned Core Strategy.



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Not for issue

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Continued...

2. Prior to the commencement of any dwelling hereby approved, details of the boundary enclosure around the perimeter of the site (formed by plots 1 to 18, 18 and 36, 36 to 44, 44 and 47, the pumping station, plot 72 and plots 75 to 80) together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The boundary enclosure to the site perimeter shall be provided in accordance with the approved details.

Reason: To ensure a development of satisfactory visual appearance to accord with Policy 10 of the Aligned Core Strategy.

3. Prior to the commencement of any dwelling hereby approved, details of finished floor levels and the finished levels of roads including cross section drawings shall be submitted to and approved in writing by the Local Planning Authority. The dwellings, garages and roads shall be provided in accordance with the approved details.

Reason: To ensure a development of satisfactory visual appearance to accord with Policy 10 of the Aligned Core Strategy.

4. Prior to the commencement of any dwelling hereby approved, precise details of the pumping station and substation shall be submitted to and approved in writing by the Local Planning Authority. The information submitted shall include scaled layout and elevational plans of the structures to at least 1:50 scale, their finished floor levels in relation to existing ground levels, street scene plans showing their visual relationship to surrounding development and details of the type, colour and design of external facing materials to be used in their construction, along with a timetable for their provision. The pumping station and substation shall be provided in accordance with the approved details.

Reason: To ensure a development of satisfactory visual appearance to accord with Policy 10 of the Aligned Core Strategy.

5. Prior to the commencement of any dwelling hereby approved, precise details of the street trees to be provided shall be submitted to and approved in writing by the Local Planning Authority. The information 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 street tree scheme. The street trees shall be provided in accordance with the approved details.

Reason: To ensure a development of satisfactory visual appearance to accord with Policy 10 of the Aligned Core Strategy.

6. Prior to the commencement of any dwelling, details of the boundary enclosure to be provided to the nature reserve shown on plan No INCLA_N107.102B together with a timetable for its provision shall be submitted to and approved in writing by the Local Planning Authority. The boundary enclosure to the nature reserve shall be provided in accordance with the approved details.

Reason: To secure provision of an appropriate boundary treatment to the new Nature Reserve to accord with Policy 10 and Policy 17 of the Aligned Core Strategy.

Pre-occupation conditions

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

7. Prior to the occupation of any dwelling hereby approved, details of hard surfacing to be provided to on-street visitor parking areas, internal road junctions and areas of build out, together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Hard surfacing shall be provided in accordance with the approved details.

Reason: To ensure a development of satisfactory visual appearance to accord with Policy 10 of the Aligned Core Strategy.

8. Prior to the occupation of any dwelling hereby approved, boundary enclosure and planting shall have been provided to the site boundary with Martin's Pond Nature Reserve in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include details for the management of public access to the Martin's Pond Nature Reserve from the development site.

Reason: To secure provision of an appropriate boundary treatment and form of access to Martin's Pond Nature Reserve to accord with Policy 10 and Policy 17 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

9. Any trees, hedging or plants which die, are removed or become seriously damaged or diseased within a period of five years, that have been provided through conditions attached to this reserved matters approval, 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: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference WOLL PL

Reason: To determine the scope of this permission.

Informatives

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

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



RIGHTS OF APPEAL

Application No: 17/00965/PRES4 (PP-05963469)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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WARDS AFFECTED: Mapperley

Item No:

**PLANNING COMMITTEE
16th August 2017**

REPORT OF CHIEF PLANNER

Springwood Centre, Ransom Drive

1 SUMMARY

Application No: 17/01394/PFUL3 for planning permission

Application by: Gleeson Developments Ltd

Proposal: 50 new dwellings and associated development.

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

To meet the Council's Performance Targets this application should be determined by 11th September 2017.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

- (a) prior completion of an agreement under Section 111 of the Local Government Act 1972 to secure a planning agreement under section 106 upon the subsequent disposal of the site to the developers, which shall include:
 - (i) A financial contribution of £118,970 contribution towards education uses, comprising £73,404 towards primary education provision at Walter Hills Primary School and £45,566 towards secondary education at Nottingham Academy's Ransom Road site.
 - (ii) The on-going access to and management and maintenance of areas of woodland and open space within the site.
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 Power to determine the final details of the terms of the s111 agreement, the planning obligation and the final details of the conditions of the planning permission be delegated to the Chief Planner.

2.3 That Committee 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.

- 2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site is currently a cleared vacant site, having formerly been the Springwood Centre (community day centre) prior to its closure and demolition. The site is currently owned by the City Council with a land sale having been agreed with the applicant that is conditional on the outcome of this planning application.
- 3.2 The application site has a long frontage onto Ransom Drive, which is a cul-de-sac road off Ransom Road and which terminates at the entrance to Hine Hall (flats) to the south. Whilst being relatively level along Ransom Road, the application site slopes to the rear with a significant difference in levels between the site and the residential properties that front onto Ransom Road to the west. There is an area of woodland between the majority of the application site and the properties on Ransom Road that would be part of the land sale to the applicant but does not form part of the proposals for the development of the site. Across Ransom Drive to the north and west is the Nottingham Academy secondary school and playing fields, including the Mapperley Sports Village Gym.
- 3.3 The surrounding area to the site is residential in character, having a mix of generally two storey house types. It is designated as a 'Primarily Residential Area' in the Local Plan, with the Nottingham Academy site to the north being 'Open Space'. Hine Hall (Coppice Hospital) Conservation Area is adjacent to the southern boundary of the application site.
- 3.4 The application is a resubmission of a similar proposed development which was refused planning permission under delegated powers on 31 March 2017 (16/01935/PFUL3). The reason for refusal related to the insufficient features within the site layout, including front boundary walls or railings, street trees, or other individual features; the dominance of the highway and driveway accesses in the street scene of the site layout; and the absence of proposals for refuse bin and cycle storage. An appeal has been lodged against this decision and is currently pending.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the redevelopment of the site with 50 two storey detached and semi-detached dwellings, each having off-street car parking with driveways, integral or detached garages. The proposed development is arranged along the length of Ransom Drive, with two new roads providing access into the depth of the site and returning across the rear of the site. A further layer of dwellings is served off this access. The proposed layout is therefore in the form of a perimeter block, with dwellings facing onto Ransom Drive to the north and towards the retained woodland area to the south.
- 4.2 The proposed dwellings are in a range of eight different housetype combinations. The predominant proposed brick colour would be red, with all dwellings fronting onto Ransom Drive and the two new access roads being in this colour. The dwellings fronting onto the woodland area to the south are proposed in a buff brick.

All of the house types elevations include a contrasting buff or red brick ground floor window heads and a contrasting brick string course detail at first floor cill level.

- 4.3 Several existing trees are proposed to be felled to accommodate the proposed layout and a recently designated Tree Preservation Order tree on Ransom Drive is to be retained. The existing extensive woodland area to the rear of the site is to be reduced to provide sufficient garden areas for a number of proposed dwelling plots towards the tapering northern end of the application site, and also where the woodland adjoins the proposed rear access road. Otherwise this woodland area is unaffected by the proposed layout. New trees and hedges are to be provided within the proposed layout.
- 4.4 Sections of boundary walls with timber infill panels are to be provided on plots with garden side boundaries to Ransom Road. Hawthorn hedge planting is to be provided along the edge of Ransom Road between vehicle cross-overs, and further pockets of shrub planting at the access road junctions with Ransom Road are also included.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Hine Hall, Ransom Drive (all flats)
4 Ransom Drive
Elliot Durham Swimming Pool, Ransom Drive
166-222 Ransom Road
232 Ransom Road
Hughendon Lodge, Ransom Road
36-50(e) Hazelbank Avenue

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

The following comments on the revised submission have been received:

Neighbour (Hine Hall): Objection. Astonishing that developer is still proposing such a large number of homes on a relatively small site in a conservation area, and the traffic implications do not seem to have been given any consideration whatsoever. This will lead to even greater traffic congestion along Ransom Drive, particularly on school mornings. As there is so much congestion already in that part of Mapperley these new homes will only make traffic conditions worse and pose an even greater danger to children crossing Ransom Drive to get to school.

Neighbour (Ransom Drive): Note that new position of house to the rear of property is less intrusive. Concern that access to maintain hedge to rear is ensured or that hedge is replaced with a wall. Some concern over traffic impact during construction works and car parking in particular.

(Note: Similar neighbour comments were received in relation to the previously refused planning application.)

Additional consultation letters sent to:

Highways: No objection subject to conditions. The development will require a new access road to be built to adoptable standards with suitable use of materials,

lighting, 20mph speed limit, associated traffic regulation orders and drainage. The development will remove some of the available space for on street parking on Ransom Drive due to the number of proposed dropped crossings to dwellings and junction areas. This can be assessed through the investigation of the required traffic regulation orders. Residential travel packs should be provided to households to promote sustainable transport choices.

Drainage: No objection subject to condition requiring detailed design of surface water drainage, including peak flow attenuation measures and maintenance management. Attenuation will be essential and must include the use SUDS techniques. As a brown field site the surface water run off must be reduced by 30%.

Regeneration: The viability appraisal assessed by the District Valuer on behalf of the City Council has concluded that the scheme cannot afford full S106. Whilst it is not accepted that Gleasons own low cost ownership scheme meets the definition of affordable housing /low cost home ownership, these will be low cost houses and as such it is considered that the affordable housing element of the S106 may be waived in this instance.

Environmental Health: No objection subject to conditions relating to potential contamination remediation and provision of electric vehicle charging points.

Biodiversity: No objection subject to conditions. The submitted ecological reports identify mammal runs, which is confirmed as being used by passing badgers that may forage within the grassland area. Foraging areas for badgers must be retained or new ones created. The two areas of adjoining woodland (one protected by a TPO) have conservation value for a range of invertebrates, birds, and small mammals. The future management of the woodland needs to be secured.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

BE12 - Development in Conservation Areas

H2 - Density.

H5 - Affordable Housing.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategies (September 2014)

Policy 1 - Climate Change

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

Other Planning Guidance

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

- (i) The use, layout and design of the proposed development is appropriate to its location, providing a satisfactory living environment for future occupants and without significant impact upon the amenity of neighbouring occupants.
- (ii) The proposed development will impact upon highway safety in the area.
- (iii) The layout and design of the development is appropriate to the character or appearance of the adjacent Hine Hall (Coppice Hospital) Conservation Area.
- (iv) The S106 obligations that would normally be required should be reduced.

Issue (i) Use, layout and design (Policies H2, T3 and Policies 8 and 10)

- 7.1 The site falls within a 'Primarily Residential Area' in the Local Plan and as such the principal of its redevelopment for residential use is to be supported. The proposed mix of predominantly two, three, and four bed family dwellings is considered to be compatible with the characteristics of the site and its surroundings, with the overall density equating to 35 dwellings per hectare. As the proposed housing would be on previously developed land and is in a sustainable location, being close to public transport routes, it is considered that the proposed development accords with Policies ST1, H2, Policy 8 and the National Planning Policy Framework, which encourages the effective use of land by reusing land that has been previously developed.
- 7.2 The proposed site layout arranges the dwellings in a good perimeter block structure with back-to-back gardens. Dwellings front onto Ransom Drive and towards the woodland area to the rear. There is also reasonable consistency to the structure of the layout, with a notional building line being counterbalanced by the range of house types being used. Boundary walls, hedges and other landscaping will provide further definition to the street scene whilst also softening the edges of the proposed development in character with the landscape qualities of the area. Vehicle access and car parking has been integrated within the proposed layout and with the majority of plots having driveways and garages to the side and rear, ensuring that car parking will not dominate the street scene of the development.
- 7.3 The resubmitted proposals provides for additional tree and hedge planting onto Ransom Drive, which will help to reinforce the street scene along Ransom Drive and will contribute to the visual interest of the development. The design of the access roads have also been revised to be less dominant in the street scene and to provide for greater pedestrian priority. Clarity on the location of bin and cycle storage facilities has now been provided.
- 7.4 An informal footpath connection is to be made between the residential site and the retained woodland area, providing local access to this area. The long term access arrangements, and management and maintenance of the woodland, are to be secured as part of the S106 planning obligation.

- 7.5 The design of the proposed dwellings is to the applicant's range of house types, but with their appearance having been modified use of a red brick with buff brick string course detailing and window heads. Whilst every effort has been made to encourage the applicant to provide further elements of interest to the elevations of the proposed development, including elements that have been previously used on their other developments (bay windows, stone cills/heads, flat canopies) the scope to include these features within the scheme has been unsuccessful and is therefore disappointing. However, taking into account the revised layout and appearance of the proposed development, it is considered that the design of the dwellings is sufficient to recommend approval.
- 7.6 It is considered that the proposed development accords with Policies H2, T3 and Policies 8 and 10.

Issue (ii) Highway safety (Policy H2 and Policy 10)

- 7.7 The proposed development is to be accessed off Ransom Drive, which also serves as the access road to Hine Hall, Nottingham Academy and the Mapperley Sports Village Gym. Off-street car parking on driveways and integral or detached garages are being provided for all dwellings and additional on-street car parking spaces will remain available. Whilst a resident's response to the application refers to concerns relating to an increase in traffic and car parking on Ransom Drive, Highways have no objection to the proposed increase in use of this road subject to the investigation and implementation of appropriate traffic regulation orders (TROs) and other details that would be required to be provided under the necessary S38 adoption and S278 highway alteration agreements. TROs are subject to a separate legislative procedure which cannot be guaranteed through the planning process. However, as part of the planning permission a requirement can be made for the investigation of whether any TROs are deemed necessary and if so, the carrying out of the process for their implementation, accepting that this would then be determined under a separate approvals process. Details of how this will be secured will be provided on the update sheet. It is therefore considered that the proposed development accords with Policy H2 and Policy 10.

Issue (iii) Character or appearance of the Conservation Area (Policy BE12)

- 7.8 The boundary of the Hine Hall (Coppice Hospital) Conservation Area is adjacent to the southern boundary of the application site, with Ransom Drive being the vehicular access to Hine Hall. The Hine Hall building sits within the centre of the site and has a principal elevation that faces south away from the proposed development. The rear area of Hine Hall is laid out as car parking with significant trees and landscaped grounds also surrounding the building. To this extent, whilst the adjacency of the application site to the Conservation Area is noted, it is considered that a clear distinction can be made between the application site and the Conservation Area to the extent that it can be concluded that the proposed development would not impact significantly upon the character and appearance of the Conservation Area in accordance with Policy BE12.

The proposed development includes the predominant use of red brick with contrasting buff brick detailing along the full length of Ransom Drive, which is intended as a material reference to the Hine Hall building.

Issue (iv) S111/S106 Planning Obligations: (Policies ST1, H5, R2 and Policy 8)

- 7.9 The City Council is the current landowner of the application site, including the woodland area. In order to secure the appropriate s106 planning obligation, an agreement under section 111 of the Local Government Act 1972 is needed, which will require the developer to enter into a subsequent s106 planning obligation at such time as it acquires an interest in the site.
- 7.10 The applicant has submitted a viability appraisal in support of their assertion that the proposed development would not be viable based upon the provision of the full range of planning obligations that the scheme would otherwise require. The policy compliant planning obligations are (i) Affordable housing - 20% of the total number of dwelling units (10 units) or commuted sum of £338,500; (ii) Open space - £99,617.82; and (iii) Education (primary £73,404 and secondary £45,566) - £118,970. Total financial contributions £557,087.82.
- 7.11 The viability appraisal has been independently reviewed by the District Valuer. The District Valuer has advised that a developer's reasonable target return for a scheme of this nature is 17.5%. At this level of return the District Valuer advises that the proposed development would not be viable at the full level of S106 contributions. The District Valuer's report concludes that the proposed development could deliver a reduced level of S106 contributions amounting to £122,341.
- 7.12 In response to the District Valuer's conclusions, it is proposed that a contribution of £118,970 be required for education purposes. This would be comprised of £73,404 towards additional pupil places at Walter Hills Primary School and £45,566 towards additional pupil places at Nottingham Academy's Ransom Road site. The applicant has also offered to promote local employment and training opportunities during the construction and operation of the development in conjunction with the Employer Hub and to pay a financial contribution of £6,336 in connection with those benefits.
- 7.13 The Council's Regeneration team has advised that whilst the applicant's own low cost ownership scheme does not meet the definition of affordable housing/low cost home ownership, these will nevertheless be low cost houses. As such, whilst the proposal does not accord with the full requirements of Policy H5 of the Local Plan requiring the provision of affordable housing, the proposed waiver of the S106 requirement for affordable housing is considered to be justified in this instance, given the viability issues and the other demands on available S106 monies. It is considered that the proposed development accords with Policies ST1, R2 and Policy 8.
- 7.14 The requirement for the applicant to prepare a management plan covering access, management and maintenance for the retained woodland areas is to be covered as an appropriate S106 obligation. This is necessary for the benefit of residents both within the development and beyond, and to ensure this 'public open space' facility is appropriately cared for in the long term.
- 7.15 The S106 planning obligation sought for educational purposes (detailed at paragraph 7.12 above), and on-site open space, would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

Pollution and Contamination (Policy NE9)

- 7.16 Environmental Health has no objection to the proposed development subject to planning conditions relating to contamination remediation and verification, which are included in the draft decision notice appended to this report. It is therefore considered that the proposed development accords with Policy NE9.

Flood Risk and Drainage (Policy NE10, Policy 1)

- 7.17 The Drainage team notes that the applicant's submitted Flood Risk Assessment recommends that flood risk management measures should be implemented and recommends a planning condition to require the detailed design of surface water drainage, including peak flow attenuation measures and maintenance management. A planning condition has been included on the attached draft planning permission and it is therefore considered that the approach to flood risk and drainage accords with Policies NE10 and 1.

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

The applicant advises that they take a 'fabric first' approach towards sustainable construction. It is also noted that the site has good access to public transport, including school bus routes and access to local shops and services on Woodborough Road (Local Centre). The applicant has agreed to provide electric vehicle charging points within the development.

9 FINANCIAL IMPLICATIONS

A contribution of £118,970 for education provision is to be secured through the S106. A further contribution of £6,336 towards local employment and training is to be provided.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Ensuring Nottingham's workforce is skilled.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 **VALUE FOR MONEY**

None.

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

1. Application No: 16/01935/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCBFV4LY01B00>

2. Environmental Health, 6.7.17

3. Drainage Team, 7.7.17

4. Neighbour, 10.7.17

5. Neighbour, 12.7.17

6. Biodiversity, 18.7.17

7. Highways, 26.7.17

8. Regeneration, 28.2.17

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

Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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

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Key
City Boundary

Description
No description provided

My Ref: 17/01394/PFUL3

Your Ref:

Contact: Mr Jim Rae

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
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NG2 3NG

Tel: 0115 8764447
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Gleeson Developments Ltd
Mr Matt Jackson
4 Aspect Court
Aspect Business Park
Bennerley Road
Nottingham
NG6 8WR

Date of decision:

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

Application No: 17/01394/PFUL3
Application by: Gleeson Developments Ltd
Location: Springwood Centre, Ransom Drive, Nottingham
Proposal: 50 new dwellings and associated development.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction traffic management plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policies BE2 and NE9 of the Local Plan.



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3. No development shall commence until the detailed design of surface water drainage, including peak flow attenuation measures and maintenance management, has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

a) A Remediation Plan, based on the Phase 2 Geotechnical and Geo-Environmental Site Investigation, Ransom Drive, Nottingham Carried out by Eastwood & Partners on behalf of Gleeson Developments Ltd (Issue 2 Ref 39765, 12 May 2016) and additional post demolition sampling and ground gas monitoring, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

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

6. The development shall not be commenced until details of an electric vehicle charging scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

Pre-occupation conditions

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

8. No individual dwelling shall be occupied until the boundary enclosure associated with that individual dwelling has been completed in accordance with the approved details.

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategies.

9. No individual dwelling shall be occupied until the access road and car parking provision to serve that individual dwelling have been completed in accordance with the approved plans and are available for use.

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

10. No individual dwelling shall be occupied until an appropriate dropped vehicular footway crossing for that individual dwelling has been constructed and is available for use in accordance with the Local Highway Authority's specification.

Reason: To enable a vehicle to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.

11. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
 - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

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

Regulatory/ongoing conditions

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

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

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 19 June 2017.

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 including any radon gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & 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. Surface Water Drainage

The council expects the drainage details submitted pursuant to condition 3 to show how surface water run-off rates will be reduced by at least 30% through the use of SuDS techniques where possible.

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

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

RIGHTS OF APPEAL

Application No: 17/01394/PFUL3

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

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