



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 24 January 2018

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

- | | | |
|----------|---|----------------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTEREST | |
| 3 | MINUTES | 3 - 14 |
| | Minutes of the meeting held 20 December 2017 | |
| 4 | PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER | |
| a | Car Park On Site Of Queens House Queens Road | 15 - 34 |
| b | Site Of Apollo Hotel PH Hucknall Lane | 35 - 42 |
| c | 12 And 12A Albany Road | 43 - 56 |
| d | Unit 1 North Of 166 Querneby Road | 57 - 66 |
| e | Garages North West Of 2 Querneby Avenue | 67 - 76 |

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

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

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

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 20 December 2017 from 2.30 pm - 4.12 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair) (minutes 39-43 and 45-46 only)
Councillor Cheryl Barnard
Councillor Graham Chapman
Councillor Azad Choudhry (minutes 39-42 only)
Councillor Josh Cook
Councillor Andrew Rule
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Linda Woodings
Councillor Steve Young

Absent

Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Brian Parbutt
Councillor Mohammed Saghir

Colleagues, partners and others in attendance:

Judith Irwin - Senior Solicitor
Kate Morris - Governance Officer
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Chief Planner
Nigel Turpin - Team Leader, Planning Services

39 APOLOGIES FOR ABSENCE

Councillor Rosemary Healy - Personal
Councillor Gul Khan - Personal
Councillor Sally Longford - Personal
Councillor Brian Parbutt - Personal
Councillor Mohammed Saghir - Personal

40 DECLARATIONS OF INTERESTS

None.

41 MINUTES

The Committee approved the minutes of the meeting that took place on 15 November 2017 as a true record subject to the following amendment:

Minute 38 a) 109-113 and land to rear Ruddington Lane (agenda item 5b) Councillor Josh Cook had asked that his decision to abstain from voting be recorded.

42 THE CHRISTIAN CENTRE, 79-85 TALBOT STREET

Martin Poole, Area Planning Manager introduced application 17/01620/PFUL3 by Frank Ellis Architects on behalf of RedOak Project E.S.A for planning permission for demolition of former school and car showroom buildings and construction of student accommodation development (of up to 9 storeys) comprising of cluster flats and accessible studios, with communal facilities and a landscaped central courtyard. The application is brought to Committee because it is a major application on a prominent City Centre site where there are important design and heritage considerations. An update sheet was circulated in a supplementary agenda. The following points were highlighted:

- (a) the site sits between Talbot Street and Wollaton Street and is currently occupied by a former car showroom and an extensively altered old School building. There is a prominent stone retaining wall on the site;
- (b) the proposed structure is up to 9 storeys, which wraps around a central courtyard feature. The retaining wall will be rebuilt;
- (c) the proposed scheme will consist of cluster flats and studios with a total of 330 student bedrooms being provided. Primary entrance would be via Talbot Street;
- (d) the proposed building is brick built and of contemporary style. Previous iterations of the design had more mass and work has taken place to reduce the scale and alter the style to develop a less abrupt building;
- (e) the proposed building is in keeping with similar buildings on the street and in the surrounding area;
- (f) the old School building is not incorporated into the new proposed building. Previous planning permission was granted for a conference centre on this site and included demolition of the school building. This permission has now lapsed;

The Committee had a number of questions and comments to which further information was provided in response as follows:

- (g) some Councillors questioned the need for more student accommodation in the City Centre and raised concerns about the fact that such accommodation will inevitably be vacant for part of the academic year. They also questioned whether at some point in the future the proposed development could be converted from student use to alternative accommodation if the need for such extensive student accommodation reduced;
- (h) there has been a lot of work done from a planning perspective to meet the increased need for City Centre student accommodation. Recent figures indicated that still over 50% of students live out of the City Centre in ordinary housing properties. The aspiration is to move more students into purpose built accommodation to free ordinary housing stock for families;

- (i) as highlighted in paragraph 7.5 of the report of the Chief Planner concerning this property there are still very low vacancy rates in City Centre purpose built student accommodation and there is still unsatisfied demand for additional bed spaces of this type;
- (j) Councillors commented positively on the thought that had gone into the design of the building, including the feature curved wall made from Bulwell stone. They appreciated that consideration had gone into the proposed building to ensure that it fits within the area and does not sit uncomfortably with neighbouring buildings;
- (k) most Councillors agreed that it would not be ideal to lose the characterful old School building but were satisfied that the loss of the building was justified by what the new building would bring to the area;
- (l) some Councillors were concerned that the section 106 monies were allocated to improvement to an open space that was not the closest area of public amenity to the proposed development. Planning colleagues advised the Committee that the Council has to be satisfied when granting planning permission that any section 106 funding which is taken into account in the determination of the application meets the requirements of Regulation 123(3) of the Community Infrastructure Levy Regulations 2010 which restrict the pooling of financial contributions from more than 4 planning obligations, to fund infrastructure works. Planning colleagues advised the Committee that the open space nearest to the proposed development, the Arboretum, had benefited from other section 106 contributions. Councillors requested an amendment to the existing Recommendation 2.1(a) (i) to remove the specified works at Highfields Park as the purpose to which the section 106 open space contribution should be put, and giving delegated powers to the Chief Planner in consultation with Chair and Vice Chair of the Planning Committee to determine the project to which those funds should be allocated;
- (m) bin storage would be on the lower ground floor of the building and access to the street for street collection would be via Wollaton Street;
- (n) the question of car parking for disabled residents was raised. This proposal does not include provision of any type of car parking, which is a move welcomed by Highways colleagues. Amendment of existing traffic regulation orders is likely to be required;
- (o) the proposed build would be likely to attract international students who would not have access to cars in the UK. Nottingham Trent University has recently won a range of awards which is likely to keep attracting large number of students from the UK and from abroad. The Committee generally agreed that providing good quality student accommodation such as that proposed in this development is essential;

RESOLVED to:

- (1) Grant planning permission subject to:**

- (c) buildings fronting on to Lenton Boulevard would be set back from the front of the site and accessed via entrances through the existing Bulwell Stone wall. There would be a mix of communal and individual off street parking available for properties and a road running through the centre of the site;
- (d) the proposed buildings are generally traditional in form but with a contemporary design and would be constructed in brick facades with elements of render and dark cladding;
- (e) two existing birch trees on the Cottesmore Road side of the site will be retained in the landscaping and the Bulwell Stone wall along Lenton Boulevard will also be retained;

The Committee had a number of comments and questions in response to which further information was provided as follows:

- (f) Councillors commented that the lighter render elements worked very well within the proposed design and would welcome the addition of a few more highlights to enhance that the overall look of the development;
- (g) Councillors welcomed the appearance of the overall development and were pleased that the buildings fronting on to Lenton Boulevard are of a similar scale to existing properties but that the other properties within the site sit well with existing residential properties;
- (h) Councillors commented that some additional detailing on the frontage of properties would enhance the appearance of the development;
- (i) as part of a wider planning aspiration, the new through road would provide a cycle and pedestrian route that would be welcomed. Surrounding residential roads do not generally have off street parking and so on road parking can be problematic. Extension of existing traffic regulation orders should be considered if it becomes necessary to ensure that on street parking does not become an issue;

RESOLVED to:

(1) 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 planning obligation upon the subsequent disposal of the site to the developers, the planning obligation shall include:**
 - (i) financial contribution towards public open space of £130,605 for infrastructure improvements at Ronald Street Play Area, Lenton Recreation Ground and Radford Recreation Ground;**
 - (ii) financial contribution towards primary and secondary school education of £466,186 for Lenton Primary Schools and Nottingham University Academy of Science and Technology;**

was brought to Committee as an outline application. Details of each build will be individual and will be subject to reserved matters approvals;

- (e) planning colleagues are satisfied with the general massing indicated in the proposals, buildings will largely be 2, 3 and 4 storeys tall and in keeping with the conservation area. There are also safeguards in place through reserved matters;
- (g) the applicant does not believe that the proposed development would be viable based on the provision of full section 106 contributions. The District Valuer has been requested to carry out an assessment, but as a written assessment is awaited there is not yet a concluded position on the Council's section 106 requirements. There were no questions or comments from the Committee but they agreed that the Council should be guided by the District Valuer's findings as to what section 106 contributions should be sought.

RESOLVED to:

(1) GRANT OUTLINE PLANNING PERMISSION subject to:

- (a) **Prior completion of an agreement under Section 111 of the Local Government Act 1972 to secure a Section 106 planning obligation upon the subsequent disposal of the site to the developers, which shall include:**
 - (i) a financial contribution towards off-site public open space;
 - (ii) a financial contribution towards off-site affordable housing;
 - (iii) a financial contribution towards education uses.

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 substantially in the form of those listed in the draft decision notice at the end of this report.**
- (2) **Power to determine the final details of the conditions, the section 111 agreement and the planning obligation to be delegated to the Chief Planner.**
- (3) **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.**
- (4) **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.**

45 LAND NORTH OF CANAL, CASTLE BOULEVARD

Rob Percival, Area Planning Manager introduced application 17/00882/PFUL3 by Bricross Developments Limited for planning permission for the erection of a purpose built student accommodation scheme and associated works. The application is brought before the Committee because it is a major development on a prominent site where there are important land-use and design considerations. An update sheet was circulated containing four additional conditions. . The following points were highlighted:

- (a) this site is a long and very narrow site which sits between Castle Boulevard and the canal, situated opposite the Park Rock residential development. On the opposite side of the canal is a large supermarket and apartment complex;
- (b) the local area has a number of older canalside mill buildings and the area in general has a historical feel;
- (c) the site is currently scrub land. Trees which were previously on the land were in poor condition and have been removed;
- (d) development of the site would require recreation of the canal side edge to facilitate the development of three separate buildings bringing 66 student bed spaces;
- (e) the 2 main buildings would be on the widest part of the site, with the third building slightly removed. The spaces between the buildings would be developed to include public realm access to the canal side;
- (f) the proposed scheme has been through many iterations and has been reduced in mass and scale to respond more appropriately to the site;

The Committee had a number of questions and comments responses to which provided the following information:

- (g) as is common with student accommodation schemes it will be the responsibility of the developer to ensure that an appropriate management scheme is in place;
- (h) there is no provision of car parking in this development. There are existing traffic regulation orders in place in the surrounding areas and the developer will be required, as is usual in student schemes, to take steps to ensure that student occupiers do not bring and keep cars within the City of Nottingham;
- (i) concerns were raised that a green corridor would be lost despite the sympathetic but limited landscaping to mitigate the loss. The Biodiversity report states that the mitigation is sufficient and the open spaces between the buildings are designed to preserve the wider canal side character. Additional conditions to preserve natural habitats were proposed;

RESOLVED to:

- (1) GRANT PLANNING PERMISSION subject to:**
 - (a) Prior completion of a section 106 planning obligation which shall include:**
 - (i) A public open space contribution of £13,914.78 towards improvement to play area provision in Highfields Park;**
 - (ii) A student management scheme, which shall include a restriction on car usage; and**
 - (iii) A public transport contribution of £5,000 towards improved signage of the cycle way along Castle Boulevard.**
 - (b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report together with the four additional conditions in the update sheet regarding (i) the design of upper floors to the 4 storey blocks (ii) the construction environment management plan (iii) provision ecological enhancements and (iv) compliance with the recommendations of the ecology report..**
- (2) Power to determine the final details of both the terms of the planning obligation and the conditions to be delegated to the Chief Planner**
- (3) 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.**
- (4) That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**

Councillor Josh Cook asked that his vote against the scheme be recorded.

Councillor Andrew Rule asked that his abstention from voting on the scheme be recorded.

46 100 - 104 DERBY ROAD

Martin Poole, Area Planning Manager introduced application 17/01999/PFUL3 by GraceMachin Planning & Property on behalf of Mr K Tang for planning permission for the demolition of former restaurant building and construction of a 5 storey building comprising of retail ground floor use (class A1) with student accommodation above in a mix of studios and cluster flats. The application is brought before the Committee because it is a major application on a prominent city centre site where there are important design considerations. An update sheet was circulated which recommended an additional condition. The following points were highlighted:

- (a) the site sits between Derby Road and Wollaton Street with frontages to both sides. The existing three story building was previously used as a restaurant but has been vacant for several years. The site falls within the Canning Circus conservation area;
- (b) the proposed development would have the retail unit fronting onto Derby Road and the scale and style of the proposed building would be comparable to those surrounding it on both frontages given the height difference between Derby Road and Wollaton Street;
- (c) the proposed building would be brick built with gabled treatment reflective of the older buildings. Brick detailing would further reflect the style of existing buildings;
- (d) the update sheet draws attention to the alteration of the design of the light well and shows design regard for the neighbouring recording studio business with noise mitigation/sound insulation being addressed by condition;

The Councillors had a number of comments and questions and the following points were highlighted:

- (e) Councillors welcomed the design and commented specifically on the brick banding detail. They felt that the design could go a little further with details and whilst they appreciated the subtly they felt that further detailing of the gables and fenestration to make the overall appearance less flat would enhance the application even further. Councillors were in agreement that the additional condition recommended in the update sheet should be imposed to ensure that these additional design features were included;
- (f) Councillors also appreciated the scaling of the proposed building and were satisfied that it would fit in with the existing properties on both Derby Road and Wollaton Street;

RESOLVED to:

- (1) GRANT PLANNING PERMISSION subject to:**
 - (a) prior completion of a Section 106 planning obligation to secure:**
 - (i) a public open space contribution of £11,595.65 towards the creation of a new garden area at the former rose garden area of the Arboretum; and**
 - (ii) a student management plan, to include restrictions on car use.**
 - (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and the additional condition in the update sheet relating to brickwork and gables**
- (2) Power to determine the final details of both the conditions and the section 106 obligation to be delegated to the Chief Planner.**

- (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.**
- (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.**

This page is intentionally left blank

WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
24th January 2018

REPORT OF CHIEF PLANNER

Car Park On Site Of Queens House, Queens Road

1 SUMMARY

Application No: 17/02705/PVAR3

Application by: Tim Groom Architects on behalf of Primus Alliance Nottingham Ltd

Proposal: Amendment to external design and increase in number of units from 215 units to 222 units variation of condition S1 (Plans) of planning permission 15/00462/PFUL3

This application is to vary the external appearance and number of units of a scheme which was previously reported to Planning Committee.

To meet the Council's Performance Targets this application should be determined by 28th February 2018

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION for the variation to condition S1 (Plans) of planning permission 15/00462/PFUL3 subject to:

a) The transfer of those obligations contained in the section 106 agreement dated 28 May 2015 (linked to permission reference 15/00462/PFUL3) namely:

- (i) A financial contribution of £86569.75 towards the provision and/or enhancement of open space at the Victoria Embankment;
- (ii) A student management scheme including a restriction on car usage

to the current variation permission (reference 17/02705/PVAR3) :

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

2.2 Power to determine the final details of the conditions of the planning permission and the form and content of the transfer of the section 106 obligations as at recommendation 2.1a) above to be delegated to the Chief Planner.

2.3 That Councillors are satisfied that Regulation 122 (2) Community Infrastructure Levy Regulations 2010 is complied with, in that the section 106 provision sought as at recommendation 2.1a) above 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 Councillors are satisfied that the section 106 provision sought as at recommendation 2.1a) above would not exceed the permissible number of

obligations according to Regulation 123(3) Community Infrastructure Regulations 2010.

3 BACKGROUND

- 3.1 The application relates to a cleared site which is currently being used as an unauthorised car park (the matter is being dealt with by Planning Enforcement). The site is located to the western corner of the Queens Road/Summer Leys Lane junction. To the west and adjoining the site is 48-50 Queens Road, a Grade II listed building which is used as a self-storage facility, this building is also known as Meadows Mill. To the east, on the opposite corner of Summer Leys Lane, is the Hicking building which comprises apartments. To the north on the opposite side of Queens Road is a surface car park and beyond this is the railway station. To the south the Tinker's Leen adjoins the site, with a single storey building straddling the watercourse. Beyond this building and to the corner of the Summer Leys Lane/Crocus Street junction are industrial/commercial buildings.
- 3.2 The site is within the Station Conservation Area and also located within Flood Zone 2.
- 3.3 In 2015 planning permission (reference 15/00462/PFUL3) was granted for a student development comprising 215 self-contained units with ancillary communal accommodation and a retail unit at ground floor level. This comprised an 8 storey building with the majority of the 215 studio bedrooms located on the upper floors. On the ground floor communal facilities including a reception, gym, cycle storage, laundry facility and function/common rooms. The building was designed to have primary outward facing elevations to Queens Road and Summer Leys Lane, and a returning to face the Tinkers Leen. The building formed a loose 'U' shape arranged around an open landscaped courtyard. The wing facing the Tinkers Leen was to be staggered at each floor, gradually reducing in floor area and providing the end units with roof terraces. The retail unit was to front Queens Road.
- 3.4 The building was to be slightly set back from the back edge of pavement and to be finished in a dark rainscreen cladding to the primary frontages, with treated timber cladding to the elevations which face into the courtyard. The top floor, which was set back from the lower floors, was to be largely glazed and the roof finished in standing seam aluminium.
- 3.5 An application for a non-material amendment was submitted at the end of last year to slightly alter the appearance of the 2015 scheme. The proposal was to provide a curved edge to the corner of the building at the junction of Queens Road with Summer Leys Road in order to overcome a land ownership issue that had arisen. Approval was granted for this amendment under planning reference 17/02359/PNMA.

4 DETAILS OF THE PROPOSAL

- 4.1 The current application seeks to vary condition S1 (Plans) of the 2015 permission to enable changes to be made to the external appearance and internal layout of the development. The application is made in accordance with s73 of the Town and Country Planning Act 1990. When assessing such an application the local planning authority may only consider the question of the conditions to which planning permission should now be granted, rather than revisiting the principle of the scheme or amending any other part of the permission.

- 4.2 The proposed building would be of a comparable height and footprint to the previous scheme, with principal changes being to the design and materials of the elevations and an increase in the amount of communal facilities to be provided on the ground floor, as a result of the loss of the retail unit.
- 4.3 Externally the building will change from being finished in a dark rainscreen cladding to primarily being finished in brick. The building's overall design aesthetic has been altered so that it reflects, but in a more contemporary fashion, the character of the adjacent mill buildings. It incorporates a tall ground floor with large glazed openings, and recess detailing around windows that are similar in scale and proportion to the openings on the adjacent historic buildings. A curved corner is proposed to the Queens Road/ Summer Leys junction, also continued to the seventh floor which is set back and of a largely glazed, lightweight appearance. Intricate brick detailing is proposed around the windows and to the curved corner.
- 4.4 Accompanying the change to the design aesthetic of the building has been a simplification of the floorplan; the south western corner of the building will no longer be staggered at each floor, but rather the building in this area will be set in at the fifth floor level. As a result, the roof terraces proposed on each floor, other than on the seventh floor, will be removed.
- 4.5 By removing this staggered floorplan configuration, additional floor space is now available which together with a rationalisation of the number of staircases, has enabled further studios to be provided, with an increase from 215 to 222. However, the number of units to be provided only increases by 3% and as the building's footprint and scale remain unaltered, this change is not considered to be sufficient to warrant the submission of an entirely fresh planning application.
- 4.6 As with the previous scheme, the developer is committed to offering local employment and training opportunities during the construction phase of the development.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

119 neighbouring properties (in the Hicking Building Queens Road, the self-storage building Queens Road, and the engineering business located on Crocus Street) were notified of the proposal by letter and the application was also publicised by both a site and press notice. The consultation period expired on the 3rd January 2018. As a result of this publicity, 2 letters of objection have been received, these objections raise the following matters:

- The proposed development is 7 floors whilst the Hicking Building is only 5 floors. The height of the building will substantially affect the amount of light into flats within the Hicking development and will affect privacy.
- At night the new building will cause light pollution, increased noise and disturbance from comings and goings.
- Incompatibility with the Hicking Building which is mainly for young professionals and families.
- With the Hicking 2 building being built plus this development additional traffic will be introduced which will cause congestion.

Additional consultation letters sent to:

Environmental Health and Safer Places: No comments received in regards to this application, but in regards to the 2015 application pre-commencement conditions relating to sound insulation, remediation and air quality were requested which were attached to the planning permission. As this application seeks only a variation to condition S1 (Plans), the conditions attached to the permission will remain unchanged.

Highways: The proposal sees an amendment to previously approved planning application 15/00462/PFUL3 to alter the external design and layout of the proposed building. These alterations will also see the number of student flats on the site increase from 215 to 222 units (an increase of seven).

The proposed alterations include the removal of the originally proposed parking bays on Summer Leys Lane for student pick-up and drop-off for the development. The main entrance, also originally on Summer Leys Lane, has been altered to be from Queens Road. The removal of parking bays has been offset by the enlarged cycle store compared to that originally proposed. The site is within a highly sustainable location, adjacent to the rail station and close to city centre amenities.

The applicant must be aware that the development is situated on a “red-route” which prevents the parking or loading/unloading along the length of Queens Road, where the main entrance has been relocated. The majority of Summer Leys Lane (west side) also has restricted parking availability. This will restrict any potential for loading and unloading by students for the development.

From a highways perspective, the increase in the number of student flats by seven is seen as minor considering the level of flats proposed on the site. However, given the restrictive nature of the site in terms of parking and servicing, we would re-iterate that the previously suggested highway conditions are retained for the application, and that a travel plan is considered for the site.

Environment Agency: In relation to the current application the EA have advised that in the absence of a flood risk assessment (FRA), that they object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

The reason for objecting is that the application site lies within Flood Zone 2 defined by the Environment Agency Flood Map as having a medium probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.

A FRA was submitted alongside application 15/00462/PFUL3, however the new application features an intensification of a more vulnerable use and since its time of writing new guidance has been published which addresses the following:

The EA also advise that since the previous application flood risk standing advice has changed and it is now a requirement that ground floor levels should be a minimum of whichever is the higher of 300 mm above the general ground level of the site, or 600mm above the estimated river or sea flood level.

Due to the location and vulnerability of the development it is required that the FRA considers the Higher Central (30%) and Upper (50%) allowances for climate change scenarios. Since the time of writing the FRA, the Environment Agency has released new data for the Nottingham area that includes new climate change allowances and additional breach data. This data shows that the 1 in 100 year plus 30% breach scenario flood depths can reach 25.7m AOD at the site. In the FRA related to application 15/00462/PFUL3 flood resilience was proposed to a level of 25.48m AOD which would cause flooding to a depth of 0.22m. This is concerning as the development features ground floor self-contained units with no safe first floor refuge.

Lead Local Flood Authority: In relation to increasing the number of studios to be provided, no objections are made, however the FRA approved under the 2015 application should take account of the comments made in regards to finished floor levels and recommends that no ground floor residential accommodation be provided.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF sets out the core planning principles in paragraph 17, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; encourage the efficient use of land by reusing brownfield land, secure high quality design; promote mixed use developments, conserve heritage assets, support the transition to a low carbon future, to manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.3 Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.4 Paragraph 56 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development, with paragraph 61 advising this not just limited to architectural appearance but wider design issues such as connectivity and integration of new development into the built and historic environment.

- 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 Paragraphs 128 to 134 sets out the key considerations in determining applications relating to heritage assets. They state that local planning authorities should identify and assess the particular significance of any heritage asset and when considering the impact on the heritage asset, should have regard for its level of significance. The greater the significance of the asset, the more weight should be attributed to its protection. Paragraph 137 considers that LPA's should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance and better reveal their significance.

Aligned Core Strategy:

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Policy 11: The Historic Environment - seeks to conserve and/or enhance the historic environment and heritage assets in line with their interest and significance.

Nottingham Local Plan (November 2005):

H6 - Student Housing

BE10 - Development Around Listed Buildings

BE12 - Development in Conservation Areas

NE9 – Pollution

NE10 - Water Quality and Flood Protection

R2 – Open Space in New Developments

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the Development
- (ii) Building Design including impact on the character and appearance of the Conservation Area and setting of Listed Buildings
- (iii) Impact on Neighbours
- (iv) Flood risk

Issue (i) Principle of the Development

- 7.1 The principle of the development and the provision of student accommodation was established through the grant of the 2015 planning permission, which is extant and implementable until 25th May 2018. As a variation of condition application under section 73 of the Town and Country Planning Act 1990, consideration is limited to the specific changes that are now proposed and the impact of those changes, i.e. to the approved drawings insofar as they relate to the external appearance and

internal layout of the building, and to the increase in the number of units from 215 to 222.

Issue (ii) Building Design, Impact on character or appearance of the Conservation Area and on the setting of a listed building (Aligned Core Strategy Policies 10 and 11, Local Plan Policies BE11 and BE12)

- 7.2 The height, footprint, scale and mass of the building were considered and approved as part of the 2015 application, which was reported to Planning Committee on 22nd April 2015.
- 7.3 The change now proposed to the overall aesthetic and elevational treatment of the building more closely reflect the character and appearance of the large, adjacent mill buildings. The removal of the stagger to each floor on the south-western corner also simplifies the design and better respects the more regular form of these neighbouring buildings. The relocation of the entrance to Queens Road frontage and increased communal facilities in this area are felt to be a more appropriate response to this principal thoroughfare, creating an enlivened and more active frontage. The introduction of brickwork as the primary external material and the detailing incorporated within this are considered to be further and significant benefits of this revised scheme. Overall, it is considered that the external changes proposed would enhance the character and appearance of the Station Conservation Area and the setting of the adjacent listed building. Furthermore, in respect of the listed building, Meadow Mills there will be a sufficient gap between this and the proposed development such that it would not be detrimental to its immediate setting.
- 7.4 Conditions were attached to the 2015 permission requiring submission of all external materials which would be carried forward to the current scheme. Additionally, given the introduction of intricate detailing within the brickwork, it is considered necessary to secure further and precise details of how this will be constructed.
- 7.5 The proposed changes are considered appropriate and the scheme complies with Aligned Core Strategy policies 10 and 11, and Local Plan policies BE11 and BE12.

Issue (iii) Impact on Neighbours (Aligned Core Strategy Policy 10 and Local Plan Policy H6)

- 7.6 As indicated above no significant changes are proposed to the height or overall scale of the building. The only change in terms of massing occurs in the south west corner; this part of the site is adjacent to single storey industrial buildings and the Meadows Mill self-storage building. Having regard to the neighbouring uses and the relationship with these adjacent buildings, the alterations to the proposed building would not materially change its impact upon the amenity of neighbouring occupiers.
- 7.7 It is noted that the objections received in relation to the scheme relate to the impact on the Hicking building, which is located to the east of the site. The impact on the residential amenity of this building was considered as part of the 2015 application. The Committee Report prepared at the time states that 'the nearest residential property is in the Hicking building to the east. Some of the apartments in this building would face the proposed development, with a distance of 13m between the two buildings. As this is a City Centre residential development where the density and proximity of developments are closer together, it is considered that the

relationship between the two buildings is acceptable.’ The changes now proposed would not materially alter the relationship between the two buildings or raise any new issues for the occupants of the Hicking building.

- 7.8 The matters raised in relation to noise and disturbance for the occupiers of the adjacent residential property were also considered as part of the 2015 application. Details of the measures to address this are at paragraphs 7.11 and 7.12 below.
- 7.9 The proposed changes to the scheme sought as part of this variation of condition application would comply with Aligned Core Strategy policy 10 and Local Plan policies H6 and NE9.

Issue (iv) Flood Risk (Local Plan Policy NE10)

- 7.10 The matters relating to flooding were assessed as part of the previous application in 2015. The current proposals relate specifically to the external appearance and internal layout of the scheme and have a neutral impact on flood risk, particularly as the revised scheme does not introduce any further residential units to the ground floor of the building. The increase in the number of units from 215 to 222 is not significant in this regard and would have no material bearing on the assessment of the flood risk issue relating to the revised scheme. Flood risk mitigation measures were addressed in a condition of the previous permission and if the variation to condition S1 (Plans) is approved by Committee, this condition would be carried through to the new variation permission. With regard to the current comments from the Lead Local Flood Authority advising that there should be no residential accommodation on the ground floor, as indicated previously the approved scheme included such accommodation. The Environment Agency did not object to that previous scheme when flood risk was originally assessed as part of the previous application in 2015.

Other Matters

Highway Improvements (Aligned Core Strategy Policy 10)

- 7.11 The minor increase in number of units would not materially alter levels of traffic associated with the development. Additionally the 2015 permission contained a condition requiring details of how parking requirements generated by the student use will be managed, and the S106 completed in 2015 (see paragraph 7.13 below) contained restrictions on students’ retention of private motor vehicles within the City of Nottingham whilst they occupied the building. Through these mechanisms the 2015 permission provides appropriate measures to manage student parking to avoid detriment to highway safety and residential amenity. The site is also within a highly sustainable location, adjacent to the rail station and close to city centre amenities. A condition is recommended requiring details for the loading and unloading of occupants’ possessions at the beginning and end of each term.

S106 Planning Obligation

- 7.12 A student management plan was included within the section 106 agreement completed on 28 May 2015 (which was linked to the original permission ref 15/00462/PFUL). Under that s106 agreement the developer was required to take steps to ensure that no noise, disturbance or nuisance should affect neighbouring properties or residents, to provide a point of contact for local residents to report disturbance caused by occupiers of the development, and to keep the development

site clean and tidy and free from litter. Also, other measures such as a moving in/out strategy were included in the student management plan.

- 7.13 In addition to the student management plan, the 2015 section 106 agreement included provision for payment of an open space contribution of £86569.75 towards the provision and/or enhancement of open space at the Victoria Embankment.
- 7.14 As this application is solely to vary condition S1 of the previous permission, including a minor increase in the number of residential units, the proposed variation involves no material alteration in the extent of the obligations which would be sought by way of section 106 provision. It is proposed that the obligations contained in the 2015 section 106 agreement and linked with the 2015 permission should be applied to the 2017 variation permission.
- 7.15 The 2015 s106 agreement contains a clause which allows the contracting parties to agree by way of an exchange of correspondence that the obligations contained in that agreement may be applied to any other permission on the site. It is anticipated that this mechanism will be used in this case, and the developer has indicated its willingness. However, to ensure that appropriate authorisation is available to transfer the 2015 obligations to the 2017 variation permission, the recommendation at paragraph 2.2 enables the Council to enter into a formal deed for the purpose of the transfer of the obligations should this become necessary.
- 7.16 The planning obligation sought would assist in satisfying the requirements of Policy R2 Open Space in New Developments of the Local Plan and also addressing amenity matters in regards to Policy 10 of the Aligned Core Strategy and Policy NE9 Noise of the Local Plan. The obligations sought are (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.
- 7.17 The contribution sought towards the provision and/or enhancement of open space at the Victoria Embankment would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

8. SUSTAINABILITY / BIODIVERSITY

The changes proposed to the scheme raise no further sustainability or biodiversity matters. Previously applied conditions would be carried over that require the building to be connected to the District Heating system and the provision of photovoltaic panels to the south facing elevation. Likewise a landscaping scheme would be required and street trees provided to Summer Leys Lane.

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: Providing a high quality and sustainable development.

Working Nottingham: Securing 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: 17/02705/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P06PCELY01B00>

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



© Crown copyright and database right 2018. Ordnance Survey Licence number 100019317. NOMAD print generated by a NOMAD user on 16/01/2018. 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: 17/02705/PVAR3

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

Tim Groom Architects
Ms Maisie Williams
7 Constance Street
Knott Mill
Manchester M15 4JQ

Date of decision:

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

Application No: 17/02705/PVAR3
Application by: Primus Alliance Nottingham Ltd
Location: Car Park On Site Of Queens House, Queens Road, Nottingham
Proposal: Amendment to external design and increase in number of units from 215 units to 222 units variation of condition S1 (Plans) of planning permission 15/00462/PFUL3

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 details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

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

3. The development shall not be commenced until details of all doors and windows including a large scale sectional drawing of 1:20 have been submitted to and approved in writing by the Local Planning Authority.

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



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

DRAFT ONLY

Not for issue

Page 26

- 1 -

Continued...

4. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of any proposed trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority. A management and maintenance plan for the landscaping shall also be included.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

5. The development hereby permitted shall not be commenced until details of sustainable drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to no greater than 10.0 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.
- Confirm how the avoidance of infiltration of the surface water drainage will be managed.

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 to comply with Policy NE10 of the Nottingham Local Plan.

6. No development shall commence until a construction 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 plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.



7. The development shall not be commenced until a sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

The sound insulation scheme shall have regard to the acoustic planning assessment carried out by Sharps Redmore dated 09/02/2015 (ref 1414317), the location of the site in an AQMA and include the specification and acoustic data sheets for plant and equipment, 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).

Furthermore plant which may result in perceptible vibration in residential rooms shall be isolated from the structure and noise levels in residential rooms from this source shall not exceed NR 20.

The approved sound insulation scheme shall be installed and retained for the life of the development.

Reason: To safeguard the health and residential amenity of the occupants of the proposed accommodation to comply with Policy NE9 of the Nottingham Local Plan.

8. The development shall not be commenced until details of a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, and having regard to the Phase 1 Detailed Desk Study dated 09/04/2014 (ref EB/1341/GL/3681) by Curtins, has been submitted to and approved in writing by the Local Planning Authority:

- a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers to comply with Policy NE12 of the Nottingham Local Plan.

9. The development shall not be commenced until details of an air quality management scheme have been submitted to be approved in writing by the Local Planning Authority.

The scheme shall apply to the ground, first and second floor parts of the development which have a façade facing Queens Road and shall include design techniques and/or other physical measures which reduce the exposure of future residents to poor air quality.

Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development to comply with Policy NE12 of the Nottingham Local Plan.

10. The development shall not be commenced until details of the appearance and siting of the photovoltaic panels have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory, and in the interests of sustainable development, to comply with Policies 1 and 10 of the Aligned Core Strategy.

11. The development shall not be commenced until details of the street trees to be installed on Summer Leys Lane have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location, type, height and species of each tree along with details of any build-outs and other necessary alterations to the public highway.

Reason: To ensure that the appearance of the development is satisfactory, and in the interests of highway safety, to comply with Policy 10 of the Aligned Core Strategy.

12. Prior to the commencement of the development details of the proposed brick detailing to the building shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include cross section drawings to a scale of at least 1:20 and shall show the brick detailing and reveal depths to window and external doors, the detailing to the curve located on the corner of Queens Road and Summer Leys Lane and anywhere else on the building. The building shall be finished in accordance with the approved details.

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

Pre-occupation conditions

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

13. The accommodation shall not be occupied until the secure cycle storage has been provided and made available for use.

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

14. The accommodation shall not be occupied until the building's connection to the District Heating System is completed and operational, unless otherwise agreed in writing by the Local Planning Authority.

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

15. No part of the accommodation shall be occupied until the drainage plans have been installed in accordance with the details approved in relation to condition 5.

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 to comply with Policy NE10 of the Nottingham Local Plan.

16. The accommodation shall not be occupied until any redundant footway crossings and/or damaged or other altered areas of footway or highway, have been reinstated/repaired.

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

17. The accommodation shall not be occupied until the following has been submitted to and 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 occupiers of the development and/or adjoining occupiers to comply with Policy NE12 of the Nottingham Local Plan.

18. No part of the development shall be occupied until the sound insulation scheme, including glazing and any complementary acoustical ventilation, has been installed in accordance with the details approved in relation to condition 7.

Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

19. No part of the accommodation shall be occupied until the air quality management scheme has been implemented in accordance with the details approved in relation to condition 9.

Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development to comply with Policy NE12 of the Nottingham Local Plan.

20. The accommodation shall not be occupied until the photovoltaic panels have been installed and are operational in accordance with the details approved in relation to condition 10.

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

21. The approved student accommodation shall not be brought into use until traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the accommodation at the start and finish of the academic terms has been submitted to and approved by the Local Planning Authority.

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



Regulatory/ongoing conditions

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

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

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

23. The approved street trees shall be planted within 6 months of the first occupation of the accommodation.

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

24. The development shall be carried out in accordance with the approved Flood Risk Assessment report dated 13th February 2015, and the following mitigation measures as detailed within the FRA:

1. The internal finished floor levels shall be set at least 150mm above the external ground levels.
2. Flood resilient measures recommended in section 11.1 of the approved FRA shall be incorporated throughout the design and construction of the proposed development.
3. The occupants of the site shall sign up to the Environment Agency Flood Line Warnings Direct via <https://fwd.environment-agency.gov.uk/app/olr/register> or by calling the Flood line on 0845 988 1188.

Reason: To ensure that the development reduces the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.

25. The traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the approved student accommodation at the start and finish of the academic terms, to be submitted to and approved by the Local Planning Authority under Condition 20 of this consent, shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety 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 forms, drawings and other documents comprising the application as validated by the council on 29 November 2017.

Reason: To determine the scope of this permission.

Informatives



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

DRAFT ONLY

Not for issue

Page 31

- 6 -

Continued...

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

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

DRAFT ONLY

Not for issue

Page 32

- 7 -

Continued...

RIGHTS OF APPEAL

Application No: 17/02705/PVAR3

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.

This page is intentionally left blank

WARDS AFFECTED: Bulwell

Item No:

PLANNING COMMITTEE
24th January 2018

REPORT OF CHIEF PLANNER

Site Of Apollo Hotel PH, Hucknall Lane

1 SUMMARY

Application No: 17/00660/PFUL3 for planning permission

Application by: Mr Max Cully on behalf of Mr M Barker

Proposal: Continued use of hand car wash with canopies, associated storage containers, catering van serving hot food and drink and with associated customer seating area.

The application is brought to Committee at the written request of Ward Councillors.

To meet the Council's Performance Targets this application should have been determined by 4th September 2017.

2 RECOMMENDATION

REFUSE PERMISSION for the reasons set out in the draft decision notice at the end of this report.

3 BACKGROUND

- 3.1 The application site is the site of the former Apollo Hotel and public house on Hucknall Lane. The buildings were demolished in 2012 when the site was cleared. There is a weldmesh security fence along the boundary of the site with Hucknall Road. There are close-boarded timber fences and concrete panel fences to the other boundaries.
- 3.2 There are residential properties on Ventura Drive to the north and adjoining the east/rear boundary of the site. There is a tyre centre and electrical factors businesses to the south of the site on Saxondale Court.
- 3.3 Planning permission for the use of part of the application site as a hand car wash was granted temporary consent for three years on 22 August 2013 and expired on 22 August 2016 without a further planning application being made for the continued authorisation of this use. In addition to the on-going use of the site as a car wash, it had also been noted that a number of additional storage containers and a mobile catering van serving hot and cold food had been located on the site, and a range of vehicles were also being stored on the site, without planning permission. It was therefore considered that a breach of planning control had occurred and that it was expedient to serve an enforcement notice requiring the cessation of all uses and the removal of all containers, vehicles, car wash canopies and equipment from the site. The enforcement notice took effect on 24 March 2017 and allowed for a period of one month for compliance. Whilst a planning appeal against the requirements of this notice was submitted, the associated fee was not paid and the appeal lapsed.

- 3.4 At the present time, all activities on the site are unauthorised and are taking place in breach of the enforcement notice. Prior to the service of the enforcement notice the applicant had not engaged with officers in an attempt to resolve the concerns that have been raised. The current application was lodged shortly after the appeal lapsed, and seeks to authorise the activities being enforced against, subject to appropriate controls/amendments. During the life of this application, officers have been in discussions with the applicant to secure amendments that aim to address these concerns.

4 DETAILS OF THE PROPOSAL

The application proposes the continued use of the land as a hand car wash with canopies, associated storage containers, a catering van serving hot food and drink and with an associated customer seating area. The car wash area and canopies are located towards the southern boundary of the site with the neighbouring tyre centre business. The storage units are sited between the rear of the car wash area and the eastern/rear boundary of the site with neighbouring residential properties off Ventura Drive. The catering van and associated customer seating are located centrally and towards the Hucknall Lane boundary of the site. There is existing vehicle access from Hucknall Lane.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

181-199(o) Hucknall Lane
1, 7, 9, 11, 12, 14-17, 18, 22 Ventura Drive
3 Saxondale Court

Ward Councillor: Strongly object. The site is an eyesore and the smell from behind the container is disgusting. Feel that concerns of local residents should be supported and that the blatant disregard of any request to comply with the planning regulations should be actioned by enforcement.

Neighbour: Objection. The car wash is open and operational 365 days. Blasting sound from the jet wash is constant from 8am to 6pm, 7 days a week. This constant noise does make me (and my family) both anxious and at times annoyed. We are unable to enjoy the garden at any time. We have to keep the rear windows and patio doors closed whilst in the house to try to block out the constant noise. In addition, staff at the site play music very loudly, sometimes as early as 7.30am in the morning. Customers have also been known to be playing their own music as well.

There are a number of storage containers along with a number of single decker buses, double decker buses, a horse trailer and caravans. These vehicles have been parked beside the fence in front of our semi-detached house. They have only recently moved some of the bigger vehicles but I remain unhappy with all of these vehicles being parked so close to my property, especially when people do stay in the caravan overnight. Cars and vans have frequently been put up for sale on the site increasing the number of people visiting the property, thereby increasing the noise and traffic levels further. It sometimes feels more like we are living next door to a second hand car sales facility.

Neighbour: Objection. I objected to the original application in 2013, and have also had numerous causes to complain about the development of the site since 2012. The car wash is an eyesore and a nuisance to all that live near it. I no longer have the ability to use my back garden unless the car wash is closed due to the noise from it, and it looks extremely untidy and unkempt. The sound of the jet washes they use can be heard through closed windows, even while the TV is on or music is playing. The car wash operates outside of its permitted hours and the hot food van opens even earlier - usually just after 7am. The hours of operation mean that people are on site 7 days a week anytime from 7am causing noise and disturbance for residents - with the storage units being opened and closed, equipment being dragged along the ground, and employees shouting to each other. Noise is also caused by car radios being played while the cars are being cleaned. There are floodlights installed on the canopies which shine directly in to mine and others windows, and are being left on overnight. There is no toilet on the site and there have been many occasions when my fence has been used by the men working there. Vehicles are also sold and stored on the site for indefinite amounts of time. Other goods such as vegetables and Christmas trees are also sold from the site on regular occasions.

The owner has always shown a complete disregard for planning permission requirements and conditions placed on the car washes operation. I am extremely disappointed by the apparent lack of action taken by the local authority to the significant breaches of permission and conditions and, if the Planning Officer recommendation is to grant the permission, then I would like to request that Planning Committee members be encouraged to carry out a site visit to look at the state of the site and hear first-hand the noise that is caused before the application is determined. If permission is to be granted then stronger conditions regarding the opening hours at weekends and Bank Holidays need to be imposed and enforced although, ideally, I would like the outcome to be rejection of the application for the grounds stated above.

Neighbour: Objection. I have had much trouble from this above site with people misusing space between storage containers and the rear of my property. Rubbish has been thrown into my garden and there are bad smells. Food waste on the site causing vermin in the garden and garden sheds. Loud music has been played all day and levels of noise has affected my sleep. The containers on the back on my garden fence should be removed as soon as possible and the selling of food should be stopped. Noise and music should be reduced.

Neighbour: Objection. Three storage containers are positioned against my fence and would be better placed on the side that backs onto Ventura Drive. There has been increased evidence of vermin that I suspect are attracted by rubbish from the burger van.

Additional consultation letters sent to:

Environmental Health: No objection.

Highways: No objection. As any permission given is likely to be temporary, this will give us opportunity to monitor the situation.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

NE9 - Pollution

Aligned Core Strategy (September 2014)

Policy 10 - Design and Enhancing Local Identity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issue

- (i) Whether the continued use, layout and appearance of the development is appropriate in relation to the amenity of neighbouring residential properties and the wider area.

- 7.1 The operations on the site have increased since the grant of temporary planning permission for the car wash in August 2013, including an increased number of storage containers, siting of a mobile catering van serving hot and cold food, and a range of vehicles also being stored on the site.
- 7.2 The planning permission previously granted was for a conditional temporary period to avoid prejudicing the long-term redevelopment of the site for an appropriate permanent development. To date no planning application for the redevelopment of the site has been made and this is not considered likely in the near future. The further conditions of the planning permission required that the car wash use be carried out within the designated car wash area; that it be open to customers within specified hours of use; that noise levels should not exceed a specified level; and that an approved landscaping scheme be implemented within three months of the first use of the car wash. It is clear from the responses of neighbouring residents and the Ward Councillor that there are a range of issues in relation to the operation of the previously approved and expanded uses that are impacting upon the amenity of those residents.
- 7.3 The issues raised have been examined further at a site meeting with the applicant, leading to a request for amendments, which, in the opinion of officers, would address the concerns leading to the enforcement notice. These include the removal of a number of containers, restrictions on the use of the area closest to the boundary, the relocation of jet wash equipment away from this area, the provision of toilets/amenity facilities for customers/staff, and the shielding of floodlighting.
- 7.4 To date the applicant has not amended the application and it is therefore considered that planning permission should be refused on the grounds that the unauthorised on-going uses of the site are having a detrimental impact upon the amenity of neighbouring residential properties contrary to Policies NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies. Further enforcement action
- 7.5 It is noted that the Highways and Environmental Health teams have no objections to the proposed development.

8. SUSTAINABILITY / BIODIVERSITY

None.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 17/00660/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ONB4T2LYLEI00>
2. Highways, 26.7.17
3. Environmental Health, 25.7.17
4. Ward Councillor, 3.8.17
5. Neighbour, 2.8.17
6. Neighbour, 3.8.17
7. Neighbour, 3.8.17
8. Neighbour, 15.8.17

17 Published documents referred to in compiling this report

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

Contact Officer:

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



My Ref: 17/00660/PFUL3 (PP-05938222)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Max Cully
7a Watnall Road
Hucknall
Nottingham
NG15 7LD

Date of decision:

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

Application No: 17/00660/PFUL3 (PP-05938222)
Application by: Mr M Barker
Location: Site Of Apollo Hotel PH, Hucknall Lane, Nottingham
Proposal: Continued use of hand car wash with canopies, associated storage containers, catering van serving hot food and drink and with associated customer seating area.

Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. The continued use of the site for the proposed uses is detrimental to the amenity of neighbouring residential properties by virtue of the level of activity being carried out on the site in close proximity to these neighbouring properties, including the position and use of storage containers in association with the hand car wash use; access, storage of rubbish and other materials in the areas to the rear of the containers; floodlighting under the car wash canopies; and noise from the operation of the car wash including generators and staff/customer recorded music. It is therefore considered that the continued use of the site for the proposed uses would be contrary to Policy 10 of the Aligned Core Strategies and Policy NE9 of the Nottingham Local Plan.
2. The continued use of the site for the proposed uses is detrimental to the visual amenity of the area by virtue of the disorganised and untidy appearance of the site when viewed from Hucknall Lane and Ventura Drive, including the number and position of storage containers; catering van and associated customer seating; and range of vehicles that are being stored on the site for long periods of time. It is therefore considered that the continued use of the site for the proposed uses would be contrary to Policy 10 of the Aligned Core Strategies.

Notes

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



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

DRAFT ONLY

Not for issue

Page 41

- 1 -

Continued...

RIGHTS OF APPEAL

Application No: 17/00660/PFUL3 (PP-05938222)

If the applicant is aggrieved by the decision of the City Council to refuse 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.



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

DRAFT ONLY

Not for issue

Page 42

- 2 -

WARDS AFFECTED: Berridge

Item No:

PLANNING COMMITTEE
24th January 2018

REPORT OF CHIEF PLANNER

12 And 12A Albany Road, Nottingham

1 SUMMARY

Application No: 17/02175/PFUL3 for planning permission

Application by: Mr Derek Francis on behalf of Mr Bonnick

Proposal: Change of use to supported accommodation, including extension and external alterations (resubmission).

The application is brought to Committee at the request of a Local Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 15th November 2017

2 RECOMMENDATIONS

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

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

3 BACKGROUND

3.1 The application relates to the existing buildings at 12 and 12A Albany Road and includes the intervening courtyard. No. 12 Albany Road is a three storey detached building located on the corner of Albany Road and East Grove, standing at the back edge of the pavement on both frontages. The property is subdivided into 6 self-contained flats with access through a shared entrance off Albany Road. 12A Albany Road is located to the south west of no. 12, on the opposite side of the courtyard and is also a three storey building standing at the back edge of the pavement. It adjoins no. 10 Albany Road to the south west and accommodates a three bedroom flat on the first and second floors with garages on the ground floor.

3.2 The existing courtyard between nos. 12 and 12A Albany Road provides parking for two vehicles and is enclosed by metal gates at the back edge of the pavement.

3.3 The application falls within a Primarily Residential Area as defined within the Local Plan. There are a number of existing supported accommodation facilities of various types in the vicinity of the site.

3.4 A planning application to change the use of the buildings to supported living accommodation, including extensions and external alterations, was submitted for consideration in January 2017 (ref. 17/00066/PFUL3) but was subsequently withdrawn following a request for additional information.

4 DETAILS OF THE PROPOSAL

- 4.1 The application is a re-submission of application reference 17/00066/PFUL3 and seeks planning permission to change the use of the existing buildings to a supporting living accommodation facility for people with mental health issues, specifically Axis II disorders such as schizophrenia. The accommodation would comprise 10 self-contained flats with communal areas and 24 hour on site supervision. Six flats would be provided within no. 12 Albany Road and the remaining 4 units, as well as a communal living area, kitchen facility and office for staff, would be provided within 12A Albany Road. The courtyard would be shared and as amended, would retain two car parking spaces. The application also proposes a small single storey extension to the side of no. 12 Albany Road to provide a laundry facility, an enclosed bin store and a cycle store.
- 4.2 The supporting information states that the facility would be supervised by care staff for 24 hours a day working on a shift basis, with the proposed change over time being 10pm.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The following addresses were notified by letter on 21st September 2017:

3, 7, 9, 10, 11, 11A, 12 (flats 1-6), 14, 15, 17, 19 and 41 Albany Road
11, 20 and 22 East Grove
4 Denewood Avenue
125 Gawthorne Street
Hedley House, Hedley Street

The application was also advertised by site notice which was posted on 5th October 2017.

8 representations from local residents have been received, raising the following objections to the proposed development:

- No outdoor amenity space is to be provided for occupiers. Research suggests that access to outdoor space is particularly important for those with mental health issues.
- Concerns that residents will use local parks which could cause problems for existing children and other existing residents
- Parking provisions is to be reduced. This is not sufficient for level of residents and staff proposed
- The proposal would result in the eviction of existing residents
- There is no information in relation to the level of risk posed by the user group or the risk management/security for existing residents
- There is question as to whether the proposal is in the interest of user group or just for profit
- No overnight staff are proposed
- There has been no local consultation carried out by the developer
- The proposed layout is not fit for purpose with small rooms and no windows in some rooms
- There is an overconcentration of care facilities within this area of the city with

- a number of facilities within walking distance
- No information has been provided in relation to the service provider
- There is a high possibility that persons within the intended user group could cause tensions in the community
- Concerns that the proposal could result in increased noise and disturbance
- The proposed 'no car policy' is not practical and may not be enforced.

An objection from Sherwood Rise Residents Association raised the following objections;

- This application will increase the provision of supported housing in a neighbourhood where there is already a significant number of accommodation units for vulnerable people. There are two hostels for homeless/vulnerable women within a short walking distance, temporary accommodation for ex-offenders again within a short walking distance and on the same street accommodation for asylum seekers.
- The neighbourhood includes Hedley Villas Park and the Beech Avenue shops, which would provide potential places for incidents to arise between the various groups of vulnerable people in the area - this may not be ideal for individuals with serious mental health needs.
- There has been no consultation by the applicant with residents or Local Ward Councillors.

A representation has also been received from a Local Ward Councillor who has raised the following objections:

- This is a densely populated area where there are existing parking and other environmental problems, particularly bins being left on the street. Bin lorries have difficulty getting through the Albany Road/Alma Street junction. The site is close to a junction and there are parking restrictions, which will limit on street parking availability. There is a concern among residents that this will add to the existing problems
- There are already a number of supported accommodation facilities in the area and local residents do not want to see the balance of family accommodation change.

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: No objection. Conditions are recommended to ensure that the car parking spaces and cycle storage are made available prior to the first use of the development. The loss of the garages is not considered to be an issue as these are too narrow to provide adequate parking provision for vehicles and are not served by a dropped crossing. A further condition is recommended to ensure that all doors and gates open inward to the site.

Adult Social Care: There is a demand for this type of accommodation across the city. There is a general steer towards adults residing within supported living accommodation rather than living in care.

Housing Strategy: The benefits of this type of accommodation are that adults can remain within their community. However, Management will be key to ensure that it does not adversely impact the Local Community.

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, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 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

H2 - Density.

H8 - Residential Homes and Hostels.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development.

Policy 1 - Climate change.

Policy 10 - Design and Enhancing Local Identity.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of use as supported accommodation
- (ii) Layout and Design
- (iii) Impact on residential amenity
- (iv) Parking

Issue (i) Principle of use as supported accommodation (Policy ST1 and Policy H8 of the Nottingham Local Plan)

- 7.1 Policy ST1 requires new development to contribute to the creation and maintenance of a sustainable community. Policy H8 of the Local Plan states that planning permission will be granted for residential homes for people in need of care where (a) a satisfactory residential environment can be achieved and (b) the use would not result in an overconcentration of similar uses in any one area leading to a material change in character and (c) that there is access to public transport and other services.
- 7.2 The existing properties are sub-divided into flats which do not have private amenity space and as such the proposed change of use would not result in the loss of family housing or housing which would be considered suitable for additional family housing provision. The existing properties accommodate a total of 7 self-contained flats with a total of nine bedrooms. The proposal would increase the number of residential units by 3, taking the total number to 10 and would increase the number of bedrooms from 9 to 10. It is considered that each of the flats would have adequate space, facilities, outlook and access to light. The layout has been amended to address initial concerns regarding lack of outlook. It should be noted that where partitions are shown, these are to be low level and as such the windows within the flats would serve the living areas and bedrooms. This is considered an acceptable arrangement for this type of accommodation.
- 7.3 Although the proposed accommodation would be supported with 24-hour care, the format of the accommodation would be very similar to the existing, with self-contained flats to allow residents to reside independently. The residents are provided with a level of support to allow them to integrate into the community and in this respect the characteristics of the use are not significantly different to C3 (single dwellinghouse) occupation. It should be noted that Class C3 allows for an element of care. It is accepted that a range of housing needs are catered for in the locality, including refugee accommodation, and C3 dwellings in use for asylum seekers. However, the majority of the dwellings within Albany Road are in C3 use. As described above, the format of the proposed accommodation is not significantly different to the existing arrangement of C3 flats, which in its current form accommodate 9 bedrooms, each of which, could potentially be occupied by up to two people. As such, it is considered that the proposal to create 10 single occupancy rooms, albeit with an element of care provided, would not lead to an overconcentration of similar uses to the extent that it would materially alter the existing character of the area.
- 7.4 Consultation with Adult Social Care and Housing Strategy has confirmed that there is a need for this particular type of accommodation within the City and the provision of a supported accommodation facility with self-contained units as opposed to a 'care home' is the preferred format. Adult Social Care have also confirmed that when assessing the suitability of properties for this type of conversion, the provision of outdoor amenity space is not essential. It is noted that there are areas of public open space within walking distance of the facility.
- 7.5 The properties are located within walking distance (approximately 250m) of a well-served bus route along Sherwood Rise.

- 7.6 In view of the above, it is considered that the proposed development would comply with policies ST1 and H8 of the Local Plan and as such the principle of the proposed use is considered to be acceptable.

Issue (ii) Layout and Design (Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan)

- 7.7 The proposal would result in an increase in the density of the accommodation. However, it is considered that this would be compatible with the site which already accommodates multiple dwellings and would result in acceptable quality of living environment for future occupiers who would also have easy access to public transport. The proposal would therefore comply with Policy H2 of the Local Plan.
- 7.8 The layout of the flats has been amended following initial concerns about the access to light and the revised arrangement is considered to be satisfactory in terms of providing adequate light to and outlook from each of the self-contained units.
- 7.9 The external layout has been revised to allow two parking spaces to be retained and also provides adequate bin storage and a cycle store. The proposed single storey extension is modest in scale and would be in keeping with the appearance of the existing building. A condition requiring the submission of materials to be used for the extension and for the infilling of redundant openings, is recommended.
- 7.10 In view of the above, it is considered that the proposal would comply with Policy 10 of the Aligned Core Strategy in respect of the requirements for layout and design.

Issue (iii) Residential Amenity (Policy 10 of the Aligned Core Strategy)

- 7.11 The proposed use would increase the number of flats within the two properties from 7 to 10 and the number of bedrooms from 9 to 10. However, given that the proposed flats would be single occupancy it is not considered that the increase in numbers would give rise to any significant increase in noise and disturbance for adjoining and adjacent occupiers, particularly when considering that the existing flats in their current format, could each be occupied by more than one person.
- 7.12 The layout of no. 12A Albany Road has been arranged such that communal rooms would be located on the ground floor, away from party walls with bedrooms in the adjoining property to minimise the potential impact of noise and disturbance.
- 7.13 Concerns have been raised by local residents in relation to the security risk associated with the vulnerable group that this provision is targeted towards with some suggesting that there would be no staff on site after 10pm. Whilst the specific needs or issues of the user group are not material planning considerations, the concerns appear to be based on a misunderstanding of the proposed mode of operation of the scheme. The applicant has confirmed that the site would be supervised for 24 hours a day and this information is detailed within the application. Risk management would be carried out as part of the day to day operations of the facility
- 7.14 The rooms to be provided are considered to be of a sufficient size with adequate access to light and outlook. Additional communal areas are also to be provided. As such, the quality of living environment and standard of amenity for future occupiers is considered to be satisfactory. Whilst local residents are concerned that future

residents would use nearby parks due to the lack of outdoor space within the site, this integration and inclusivity within the community, including access to and use of public space, is something that is to be encouraged.

- 7.15 In view of the above, it is considered that the proposed development would comply with Policy 10 of the Aligned Core Strategy

Issue (iv) Parking (Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.16 In response to concerns raised by local residents, the proposed external layout has been amended to reinstate an additional parking space within the courtyard so that there would be 2 spaces in line with the existing provision. These spaces would be allocated to staff members. Whilst the existing garages within 12A Albany Road are to be removed, the use of these for vehicles cannot be enforced and two of these would in fact render the spaces within the courtyard unusable due to access requirements. Whilst the no. of flats is to be increased from 7 to 10, the level of car ownership among residents of this facility is likely to be far lower than that of 7 residential flats which could each accommodate more than one resident. The applicant has stated that the facility would operate a no car policy for residents. In addition to the provision of vehicle parking spaces, the scheme also includes cycle storage.
- 7.17 It is noted that traffic regulation orders in the form of double yellow lines at the junction of Albany Road and Alma Street (to the east of the site) are to be considered. However, this would simply enforce the existing parking limitations at junctions, which are detailed within the Highway Code. The order will facilitate manoeuvring by larger vehicles, including bin lorries. The proposed development would retain two off street parking spaces and even in the event that the 'no car' policy is not fully enforced, it would suggest a lower level of car ownership among residents than the current unrestricted levels of ownership within the existing C3 residential accommodation. It is also noted that there is some on street parking space available immediately outside of the site.
- 7.18 In summary, it is likely that the parking demand from the development would be at worst, no greater than that from the existing residential accommodation and at best, less than the existing demand. Cycle storage would also be provided and the properties are within easy access of a well-served bus route into the City Centre. As such, the parking proposals for the development are, on balance, considered to be acceptable and the development would comply with policy 10 of the Aligned Core Strategy and policy T3 of the Local Plan.

Other Matters

- 7.19 There are a number of issues that have been raised by local residents other than those which fall within Issues (i) – (iv) above. There is concern about the proposals to evict existing residents of 12 and 12A Albany Road. However, the management of the tenancy of these properties is not a material planning consideration.
- 7.20 Residents are displeased that no local consultation has been carried out by the applicant despite claims that this has been done within the application details. Whilst the applicant was encouraged to carry out consultation with local residents and local Councillors, it is voluntary rather than a legal requirement and so cannot be demanded by the local planning authority.

- 7.21 Residents are concerned that little information has been provided in relation to the operator. It should be noted that the local planning authority is assessing the merits of the proposed use, and not the merits or abilities of the operator. It is not a statutory requirement to provide this level of detail and the planning application cannot be refused for this reason. Notwithstanding this, it is noted that some information in relation to the operator has been provided within the application.
- 7.22 The integrity and motives of the service provider are not material planning considerations and as such cannot be afforded any weight in the consideration process.
- 7.23 Bin storage is provided within the site, and it is considered that the presence of staff on the site should ensure that containers are not left on the street outside of refuse collection times. It is noted that the council also has enforcement powers in this regard.

8. SUSTAINABILITY / BIODIVERSITY

There are no specific proposals highlighted within the application. However, it is noted that the development would provide dedicated bin storage facilities to encourage recycling, and would promote the use of sustainable transport methods.

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: developing an inclusive and sustainable community.

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: 17/02175/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OWKVXZLY01B00>

2. Pollution Control comments received 21.12.17
3. Adult Social Care comments received 31.10.17
4. Comments from resident of 12 Albany Road
5. Comments from local resident
6. Comments from resident of Hedley House, Hedley Street
7. Comments from resident of 3 Albany Road
8. Comments from resident of 17 Albany Road
9. Comments from resident of Hedley House, Hedley Street
10. Comments from resident of 9 Albany Road
11. Comments from resident of 19 Albany Road
12. Comments from Local Ward Councillor
13. Comments from Sherwood Rise Residents Association
14. Highways comments received 9.1.18

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:


Mrs Zoe Kyle, Case Officer, Development Management.

Email: zoe.kyle@nottinghamcity.gov.uk. Telephone: 0115 8764059

NOMAD printed map



© Crown copyright and database right 2018. Ordnance Survey Licence number 100019317. NOMAD print generated by a NOMAD user on 16/01/2018. 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: 17/02175/PFUL3

Your Ref:

Contact: Mrs Zoe Kyle

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Derek Francis
11 Broad Eadow Road
Nottingham
NG6 7GG

Date of decision:

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

Application No: 17/02175/PFUL3
Application by: Mr Bonnick
Location: 12 And 12A Albany Road, Nottingham,
Proposal: Change of use to supported accommodation, including extension and external alterations (resubmission).

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 hereby permitted shall not commence until details of the external materials to be used for the single storey extension and for the infilling of redundant openings within the buildings, have been submitted to and approved in writing by the Local Planning Authority.

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

Pre-occupation conditions

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



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

DRAFT ONLY
Not for issue

Page 55

Continued...

3. The development hereby permitted shall not be brought into use until the courtyard has been laid out and cycle storage and vehicular parking are available for use in accordance with the approved details.

Reason: To ensure that there is sufficient parking and cycle storage available for the development in accordance with Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan.

4. The development hereby permitted shall not be brought into use until the bin storage has been provided in accordance with the approved details.

Reason: To ensure that there is sufficient bin storage for the development in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 20 September 2017.

Reason: To determine the scope of this permission.

Informatives

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

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

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: 17/02175/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.



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

DRAFT ONLY

Not for issue

Page 55

- 3 -

This page is intentionally left blank

WARDS AFFECTED: Mapperley

Item No:

PLANNING COMMITTEE
24th January 2018

REPORT OF CHIEF PLANNER

Unit 1 North Of 166 Querneby Road

1 SUMMARY

Application No: 17/02389/PFUL3 for planning permission

Application by: Harrison McAfee on behalf of Mr Croydon Fowler

Proposal: Demolition of existing two-storey workshop building and erection of a new dwelling.

The application is brought to Committee at the written request of a Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 12th December 2017.

2 RECOMMENDATIONS

- 2.1 **GRANT PERMISSION** subject to the indicative conditions listed in the draft decision notice at the end of this report; and
- 2.2 Power to determine the final details of the conditions to be delegated to the Chief Planner.

3 BACKGROUND

- 3.1 The site is a two storey outbuilding on the corner of Querneby Avenue and Querneby Road and at the rear of 670 Woodborough Road. To the northwest is 670 Woodborough Road, which has recently been converted to four flats. To the west is an open yard serving 668a Woodborough Road and across Querneby Avenue and Querneby Road are terraced houses. To the northeast on Querneby Avenue is the site of planning application ref.17/02616/PFUL3, a current application for a new dwelling.

4 DETAILS OF THE PROPOSAL

- 4.1 Permission is sought for a new, three-storey, detached dwellinghouse with accommodation partly in the roofspace, following demolition of the garages. The new house would be of traditional materials (brick and slate), similar in appearance to the nearby terraced properties. The house would have a lounge and kitchen on the ground floor, two bedrooms and a bathroom on the first floor and a further bedroom on the second floor.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Notification letters have been sent to the following addresses: 2, 4 and 6 Querneby Avenue; 668A, B and C, 670, 672 and flat above, Woodborough Road; 1, 2, 3 and 4 Fletcher Terrace; 160 to 166 evens, and Warehouse, Querneby Road. A site notice was posted on the 23rd October. One response has been received in support of the proposal, in that it would be a welcome addition to the area.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection.

Highways: No objection. The Highways team have considered possible off-street parking in integral carports, as suggested by the agent. These drawings show alternative accesses from Querneby Avenue and from Querneby Road. It is not, however, considered to be practical to provide off-street parking as the spaces would not be accessible due to the narrowness of the roads and on-street parking opposite the site.

Ward Councillor Healy has expressed concern that additional dwellings here would lead to parking problems on Querneby Avenue.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012)

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.

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. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

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):

Policy ST1 – Sustainable Communities

Policy H2 – Housing Density

Aligned Core Strategy (ACS) (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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of residential accommodation
- (ii) The design and appearance of the development
- (iii) Impact on amenity of surrounding residents
- (iv) Highway considerations

Issue (i) Principle of residential accommodation (Policies A and 8 of the Aligned Core Strategy, Policies ST1 and H2 of the Local Plan)

- 7.1 The site is allocated as primarily residential in the Local Plan. The proposed development would provide a three-bedroom dwelling, which would contribute to the provision of a balanced mix of housing in the area, and to the creation and maintenance of a sustainable community. The proposal accords with ACS Policies A and 8 and LP Policies ST1 and H2.

Issue (ii) The design and appearance of the development (Policy 10 of the Aligned Core Strategy)

- 7.2 The new building would be built of traditional materials (brick and slate) and be similar in design and appearance to the adjacent terraced houses. This is considered to be appropriate and in accordance with ACS Policy 10.

Issue (iii) Impact on amenity of surrounding residents (Policy 10 of the Aligned Core Strategy)

- 7.3 The proposed dwelling is located on a corner and is set apart from immediate neighbouring buildings. The site is to the rear of former shop premises that have recently been converted to flats, and the proposed dwelling would have an acceptable impact on the outlook and daylight enjoyed by these flats. Nearby houses are across Querneby Avenue and Querneby Road and the impact on neighbouring residents is considered acceptable. The proposal therefore accords with ACS Policy 10.

Issue (iv) Highway considerations (Policy 10 of the Aligned Core Strategy)

- 7.4 This is a sustainable location with access to local facilities and to good public transport routes into the city and Mapperley shops. It is accepted, however, that a three-bed house would be likely to lead to additional car parking on street. Occupiers of the dwelling would therefore be competing with existing residents for the limited available road space. Such a situation is common across the city in areas dominated by traditional terraced housing. It is noted, though, that no

objections have been received to the neighbour notification process, nor from Highways. The agent has sought to provide off-street parking but this is not practical on this site.

7.5 Provision of an off-street parking space would require road space that is currently available for parking to be kept clear, in order to facilitate access, and so any gain by providing space within the site would be offset by this loss.

7.6 On balance, it is considered that the proposal would be unlikely to lead to any significant highway safety concerns, and therefore complies with ACS Policy 10.

8. SUSTAINABILITY / BIODIVERSITY

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

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 17/02389/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OXYE15LYJBH00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.


Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076

NOMAD printed map



© Crown copyright and database right 2018. Ordnance Survey Licence number 100019317. NOMAD print generated by a NOMAD user on 16/01/2018. 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: 17/02389/PFUL3 (PP-06447819)
Your Ref:
Contact: Mr Phil Shaw
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

Harrison McAfee
FAO: Mr Roger Harrison
205 Mansfield Road
Nottingham
NG1 3FS

Date of decision:

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

Application No: 17/02389/PFUL3 (PP-06447819)
Application by: Mr Croydon Fowler
Location: Unit 1 North Of 166, Querneby Road, Nottingham
Proposal: Demolition of existing two storey workshop building and erection of a new dwelling.

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. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
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 details of all external materials have been submitted to and approved in writing by the Local Planning Authority Thereafter the development shall be carried out in accordance with the approved details. <i>Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.</i>
3. Notwithstanding any details shown on the approved plans, the windows of the new dwelling shall be provided with reveals of no less than 70mm.

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

Pre-occupation conditions

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

There are no conditions in this section.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Elevations reference 1507(P)105 revision C dated 30 July 2017, received 10 January 2018
Elevations reference 1507(P)106 revision C dated 30 July 2017, received 10 January 2018
Other reference 1507(P)107 revision B dated 30 July 2017, received 10 January 2018
Plan reference 1507(P)110 revision E dated 30 July 2017, received 10 January 2018
Planning Layout reference 1507(P)111 revision F dated 30 July 2017, received 10 January 2018
Planning Layout reference 1507(P)112 revision F dated 30 July 2017, received 10 January 2018
Planning Layout reference 1507(P)113 revision E dated 30 July 2017, received 10 January 2018
Other reference 1507(P)114 revision E dated 30 July 2017, received 10 January 2018

Reason: To determine the scope of this permission.

Informatives

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.
2. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.
3. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including any demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences (i.e. scaffolding) and permissions are in place. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway, and as such you should undertake every effort to prevent it occurring.
4. Noise Control: hours of work and equipment during demolition/construction

To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)
Sunday: at no time
Bank Holidays: at no time

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

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting
Water sprays/damping down of spoil and demolition waste
Wheel washing
Periodic road cleaning

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

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

RIGHTS OF APPEAL

Application No: 17/02389/PFUL3 (PP-06447819)

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.

WARDS AFFECTED: Mapperley

Item No:

PLANNING COMMITTEE
24th January 2018

REPORT OF CHIEF PLANNER

Garages North West Of 2, Querneby Avenue

1 SUMMARY

Application No: 17/02616/PFUL3 for planning permission

Application by: JMF Chartered Architects Ltd on behalf of Mr A.J. Firth

Proposal: Erection of detached two-storey dwelling.

The application is brought to Committee because it raises a similar issue to application reference 17/02389/PFUL3 elsewhere on this agenda, which is being brought to Committee at the written request of a Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 15th January 2018.

2 RECOMMENDATIONS

2.1 **GRANT PERMISSION** subject to the indicative conditions listed in the draft decision notice at the end of this report; and

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

3 BACKGROUND

3.1 The site is a flat roofed double garage at the rear of 672 Woodborough Road, a shop with flats above. To the north are further shops and flats on Woodborough Road and to the southeast is a dwellinghouse (2 Querneby Avenue). Across Querneby Avenue is the parking for the flats at 670 Woodborough Road, to the southeast of which is the site of planning application ref. 17/02389/PFUL3, a current application for a new dwelling.

4 DETAILS OF THE PROPOSAL

Permission is sought for a new, two-storey, detached dwellinghouse, following demolition of the garages. The new house would be of traditional design and materials (brick and slate), similar in appearance to the adjacent terraced properties. The house would have a lounge and kitchen on the ground floor and two bedrooms and a bathroom on the first floor. The bathroom and stairs would be at the rear so that this elevation would have only narrow obscurely glazed windows on the first floor. There would be a yard at the rear of the house and bin storage would be at the side of the building with existing bins serving 672 Woodborough Road.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Notification letters have been sent to the following addresses: Flats 1 to 4 at 1 Querneby Avenue; 2 and 4 Querneby Avenue; 670, 672 and flat above, 674 and flat at rear, 676 and flat above, 678 and flat at rear, all Woodborough Road. A site notice was posted on the 23rd November. No responses have been received.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection.

Highways: No objection.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012)

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.

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. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

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):

Policy ST1 – Sustainable Communities

Policy H2 – Housing Density

Aligned Core Strategy (ACS) (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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of residential accommodation
- (ii) The design and appearance of the development
- (iii) Impact on amenity of surrounding residents
- (iv) Highway considerations

Issue (i) Principle of residential accommodation (Policies A and 8 of the Aligned Core Strategy, Policies ST1 and H2 of the Local Plan)

- 7.1 The site is allocated as primarily residential in the Local Plan. The proposed development would provide a two-bedroom dwelling, which would contribute to the provision of a balanced mix of housing in the area, and to the creation and maintenance of a sustainable community, in accordance with Local Plan Policy ST1. The proposal accords with ACS Policies A and 8 and LP Policy H2.

Issue (ii) Design and appearance of the development (Policy 10 of the Aligned Core Strategy)

- 7.2 The new building would be built of traditional materials (brick and slate) and be similar in design and appearance to the adjacent terraced houses. This is considered to be appropriate and in accordance with ACS Policy 10.

Issue (iii) Impact on amenity of surrounding residents (Policy 10 of the Aligned Core Strategy)

- 7.3 The relatively small scale of the proposed house means that it would not impact unacceptably on the flats at the rear of and above 674, 676 and 678 Woodborough Road in terms of light and outlook. The small windows on the rear elevation avoid loss of privacy to those properties. There is one window in the rear elevation of 672 Woodborough Road which serves a storeroom for the ground floor shop and so the impact on this is also acceptable. The proposal therefore accords with ACS Policy 10.

Issue (iv) Highway considerations (Policy 10 of the Aligned Core Strategy)

- 7.4 The garages are not currently used for parking vehicles, and are considered too narrow to serve that purpose effectively. Vehicles currently park on street outside the garages and there are no parking restrictions in place. This is a sustainable location with access to local facilities and to good public transport routes into the city and Mapperley shops. A two-bed house of this scale is likely to appeal to residents who do not use a car, but in any event is unlikely to lead to more than one additional car parking on the street. It is noted that no objections have been received to the neighbour notification process, nor from Highways. It is considered that the proposal would be unlikely to lead to any significant highway safety concerns, and therefore complies with ACS Policy 10.

8. SUSTAINABILITY / BIODIVERSITY

Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation

measures in order to comply with current Building Regulations. This is sufficient to satisfy the requirements of Policy 1.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 17/02616/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OZLQ4TLYGBX00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:


Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076

NOMAD printed map



© Crown copyright and database right 2018. Ordnance Survey Licence number 100019317. NOMAD print generated by a NOMAD user on 16/01/2018. 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: 17/02616/PFUL3 (PP-06545740)

Your Ref:

Contact: Mr Phil Shaw

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

JMF Chartered Architects Ltd
FAO: Mr James Firth
2 Trent Lane
Nottingham
NG13 8PF

Date of decision:

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

Application No: 17/02616/PFUL3 (PP-06545740)
Application by: Mr A.J. Firth
Location: Garages North West Of 2, Querneby Avenue, Nottingham
Proposal: Detached two-storey dwelling.

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. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
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 details of all external materials have been submitted to and approved in writing by the Local Planning Authority Thereafter the development shall be carried out in accordance with the approved details. <i>Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.</i>

<p>3. The development shall not be commenced until details of the means of enclosure of the rear amenity space have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory and in the interests of the living conditions of nearby residents in accordance with Policy 10 of the Aligned Core Strategies.</i></p>
<p>4. Notwithstanding any details shown on the approved plans, the windows of the new dwelling shall be provided with reveals of no less than 70mm.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.</i></p>
<p>Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)</p>
<p>5. The dwelling shall not be occupied until the rear amenity space has been enclosed in accordance with the approved details.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory and in the interests of the living conditions of nearby residents in accordance with Policy 10 of the Aligned Core Strategies.</i></p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>
<p>6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking and re-enacting that Order with or without modification) for the time being in force relating to "permitted development" the dwellinghouse shall not be further enlarged without the prior express permission of the Local Planning Authority.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory and in the interests of the living conditions of nearby residents in accordance with Policy 10 of the Aligned Core Strategies.</i></p>
<p>Standard condition- scope of permission</p>
<p>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 20 November 2017.</p> <p><i>Reason: To determine the scope of this permission.</i></p>

Informatives

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



DRAFT ONLY

Not for issue

landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

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

3. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including any demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences (i.e. scaffolding) and permissions are in place. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway, and as such you should undertake every effort to prevent it occurring.

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

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)
Sunday: at no time
Bank Holidays: at no time

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

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting
Water sprays/damping down of spoil and demolition waste
Wheel washing
Periodic road cleaning

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

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

RIGHTS OF APPEAL

Application No: 17/02616/PFUL3 (PP-06545740)

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

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

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.



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

DRAFT ONLY

Not for issue

Page 75

- 4 -

This page is intentionally left blank