



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 18 April 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 - 4 |
| | To confirm the minutes of the meeting held 21 March 2018 | |
| 4 | PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER | |
| a | Morrisons Supermarket, Green Lane | 5 - 30 |
| b | Site Of Denewood Centre, Denewood Crescent | 31 - 50 |
| c | Darby House, 10 The Grove | 51 - 60 |

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 21 March 2018 from 2.30 pm - 2.49 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair)
Councillor Jim Armstrong (attending as substitute)
Councillor Graham Chapman
Councillor Josh Cook
Councillor Gul Nawaz Khan
Councillor Brian Parbutt
Councillor Mohammed Saghir
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Linda Woodings
Councillor Steve Young

Absent

Councillor Cheryl Barnard
Councillor Azad Choudhry
Councillor Rosemary Healy
Councillor Sally Longford
Councillor Andrew Rule (Councillor Jim Armstrong attending as substitute)

Colleagues, partners and others in attendance:

James Ashton - Transport Strategy Manager
Ann Barrett - Team Leader, Legal Services
Matt Gregory - Growth Point Planning and Planning Policy Manager
Rob Percival - Area Planning Manager
Paul Seddon - Chief Planner
Zena West - Governance Officer

64 APOLOGIES FOR ABSENCE

Councillor Cheryl Barnard – personal
Councillor Azad Choudhry – health
Councillor Sally Longford – personal
Councillor Andrew Rule – work commitments (Councillor Jim Armstrong attending as substitute)

65 DECLARATIONS OF INTEREST

None.

66 MINUTES

The minutes from the meeting held 21 February 2018 were agreed as a correct record and signed by the Chair.

67 MIDDLETON PRIMARY AND NURSERY SCHOOL, HARROW ROAD

Rob Percival, Area Planning Manager, introduced application 17/02822/PFUL3 by CPMG Architects Limited on behalf of Nottingham City Council, for the erection of a new Early Years building, an extension to create two additional classrooms, an extension to the hall and new car park, and the demolition of the existing nursery block. A further update sheet was circulated detailed an additional objection. The application has been brought to Planning Committee because it has generated a high level of public interest contrary to the recommendations of Planning colleagues. Rob Percival gave a presentation to Councillors showing aerial views, maps with the layout of the school and location of proposed building works, photos of the front and rear of the site. He highlighted the following points:

- (a) it is proposed to expand the school from 420 places to 630 places for pupils, gradually over a seven year period;
- (b) 10 representations have been received from local residents, mainly relating to parking issues, which have been addressed by the applicant in the report, and the loss of trees on the site, which has been assessed by Nottingham City Council's Tree Preservation Officer who is satisfied that none of the removed trees are of a quality which requires preservation. A Tree Preservation Order has, however, been made for other trees on the site as a result of this inspection.

There followed a number of questions and comments from the Committee, and some further information was provided:

- (c) as the main concern of local residents relates to car parking and traffic, particularly in light of the increase of school places, the review of Traffic Regulation Orders is welcomed. It is not possible to provide pedestrian access directly on to school grounds from the community centre, as there is a medical centre between the car park and the school grounds. The medical centre does not currently suffer from displaced parking, and no objections have been received from them;
- (d) details for the new trees are still to be agreed. The intention is for them all to be placed on the site, as there is a generous area of amenity land available.

RESOLVED to:

- (1) grant planning permission subject to indicative conditions as listed in the draft decision notice at the end of the report;**
- (2) delegate authority to determine the final details of the conditions to the Head of Development Management and Regeneration.**

WARDS AFFECTED: Clifton South

Item No:

**PLANNING COMMITTEE
18th April 2018**

REPORT OF CHIEF PLANNER

Morrisons Supermarket, Green Lane

1 SUMMARY

- Application No: 17/02258/PFUL3 for planning permission
- Application by: Peacock And Smith Ltd on behalf of William Morrison Supermarket PLC
- Proposal: Mixed use retail (Class A1-A3 and Class A1/A3) and leisure scheme (Class D2) comprising two units adjacent to Green Lane and five units adjacent to the supermarket building.

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

To meet the Council's Performance Targets this application should have been determined by 27th December 2017, but an extension of time has been agreed until 27.04.2018.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

(a) Prior completion of a S106 planning obligation which shall include:

A financial contribution of £30,000 towards improvements to the pedestrian link between the application site and Southchurch Drive; and

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

2.2 Power to determine the final details of the S106 planning obligation and of the conditions to be delegated to the Chief Planner.

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

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

3 BACKGROUND

- 3.1 The site comprises the existing Morrisons store fronting Green Lane within the Clifton Town Centre. The main retail frontage of the Town Centre is located to the east of the store, along Southchurch Drive.
- 3.2 The application site is a Morrisons store and car park. It is currently a 3124 sq m gross (1,604 sq m net) food store with 270 car parking spaces. It is a single storey red brick building which sits back from the main frontage to Green Lane. The main car parking area is located in front of the store but with some further car parking to the west of the store. All the public parking is accessed from Green Lane. There is also pedestrian access to the site via the service yard at the rear of the Southchurch Drive shopping parade and from the north via an internal road which connects to Donington Road. The rear of the store backs onto Donington Road which provides access to the service yard and the staff car park.
- 3.3 Residential properties are located on the opposite side of Green Lane and immediately to the west of the site on Green Lane, Wayne Close, Dunsby Close, Stanesby Rise and Langstrath Road.
- 3.4 There are a number of historic applications relating to the application site but the following are of particular relevance:
- 3.5 Application ref.11/01372/PFUL3 was granted planning permission in 2011 for the erection of extensions to the store to create additional sales area, warehousing, café and the creation of additional car parking, following demolition of leisure club.
- 3.6 Application ref.12/01896/PVAR3 was granted planning permission in 2012 for the erection of extensions to the existing store to create additional sales area, warehousing, café and creation of additional car parking, following demolition of leisure centre. This was a re-submission of 11/01372/PFUL3 to allow variation of condition 19 to allow servicing of the premises between 06:00 and 20:00 Mondays to Saturdays and 06:00 and 19:00 Sundays and Bank Holidays.
- 3.7 Application ref. 12/02311/PVAR3 was granted planning permission in 2012 for the continued use of the supermarket with deliveries between 06:00 and 20:00 Monday to Saturday and 06:00 and 19:00 Sundays and Bank Holidays.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought to create seven additional units within the Morrisons car park in two blocks containing retail and leisure uses. The smaller of the two blocks is proposed at the southern end of the existing car park adjacent to Green Lane (block 1), and the larger of the two blocks is proposed adjacent to the Morrisons store (block 2).
- 4.2 The scheme proposes an additional 1653 sq m of new retail (Class A1- A3 and mixed A1/A3 uses) and leisure (Class D2 use) floorspace. It is proposed that the Class D2 use would be a gym.
- 4.3 Block 1 (units A-B) would be single storey and would provide 237 sq m of floorspace in two units. This would be constructed from brick and cladding and incorporates a gently sloping mono pitch roof. Glazing is proposed on the elevations facing both eastward into the carpark and southwards onto Green Lane.

- 4.4 Block 2 (units C-G) would be located immediately to the west of the existing food store and would provide 848 sq m of floorspace at ground floor level with an additional 569 sq m of floorspace located at first floor level. This additional floorspace would provide five additional units. The two-storey element would be located over the three easternmost units and would accommodate the Class D2 use. It is proposed to create a short link between the food store and the first unit (unit F) and it has been confirmed that this would be a cafe for the Morrisons food store, which is a facility that is not currently present. This building incorporates a combination of brick on the ground floor southern and western elevations, with cladding elsewhere. The primary southern elevation is extensively glazed.
- 4.5 Servicing of units A-B in block 1 would take place from a dedicated bay adjacent to the units within the car park. Servicing of units C-G in block 2 would take place from a service yard at the rear of the units, accessed from an existing roadway which currently leads to a staff car park and a large electricity substation. Service vehicles would approach the service yard via Donington Road. It is proposed that the maximum size of vehicles using the proposed service area would be 12m long rigid vehicles and that the servicing and refuse collection would take place between 08:30 – 18:00 Monday to Saturday and 10:00 – 17:00 on Sundays.
- 4.6 There is a gated pedestrian route within the Morrisons site which links to this access road and some improvements for pedestrians are proposed both to the route within the site and along the access road.
- 4.7 It is also proposed to narrow the existing vehicular access from Green Lane into the Morrisons car park and to provide a segregated pedestrian route through the car park, connecting the units proposed on the Green Lane frontage with the units proposed alongside the food store and the food store itself.
- 4.8 Employment and training opportunities will arise from this development and the applicant has agreed to work with Nottingham Jobs to secure the delivery of local construction and operational employment opportunities.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

- 5.1 The application has been advertised on site and in the press. Nearby occupiers on Southchurch Drive, Green Lane, Langstrath Road, Dunsby Close, Wayne Close, Donington Road and Stanesby Rise have also been notified on two occasions. The first time was upon receipt of the application and the second time was more recently following receipt of revised proposals and additional information. The expiry date for comments on the second consultation was 29th March 2018 but this has been further extended to 17th April 2018, to allow consideration of an Acoustic Assessment.
- 5.2 In response to the first consultation, two objections were received from nearby residents (Dunsby Close and Wayne Close). The grounds of objection are:
- Increase in noise and disruption;
 - Loss of daylight;
 - Lack of focus in application on impact upon residents of Wayne Close and Dunsby Close, particularly in respect of the use of the service road;
 - Proposed servicing route from Donington Road to units C-G is not wide enough for vehicles and pedestrians with no dedicated footpath;

- Potential highway safety issues at the junction of the service road at the Donington Road/Stanesby Rise junction;
- Reference to historic problems with service vehicles using the service road;
- Service vehicles would result in noise and pollution for local residents;
- Noise assessment should be submitted;
- No assessment of extra staff car parking;
- Transport Assessment does not properly assess the service route and traffic generation;
- Disruption during the construction period.

5.3 In response to the more recent consultation a further objection has been received from the resident of Wayne Close. This raises many of the same concerns previously identified which are set out above. In addition, the following points are also raised, which are cross-referenced to Local Plan policies:

- Note the addition of a footpath along the service road but do not consider this to be adequate and maintain there will be conflict between pedestrians and vehicles;
- Query why a noise assessment has not been undertaken;
- Noise impacts from service vehicles will be significant;
- Service road will become the “haul road” during construction and cause further disturbance;
- Consider it misleading to compare to the previously approved scheme for an extension to the store;
- Query why servicing of the units could not be from the front of the store;
- Favours the layout A which is considered as an option in the Layout Justification document which includes servicing from the front and would therefore remove the concerns about the impacts of service vehicles using the access road.

5.4 A representation has also been received from a Clifton resident who fully supports the proposal and considers that together with the Clifton Triangle development, this will be fantastic for Clifton. Considers it would make Clifton a more desirable place to live and that the proposed gym would provide choice.

5.5 Another Clifton resident has raised the following issues:

- Lack of information relating to the effect of the proposal of the vitality and viability of Southchurch Drive and connectivity with the development of Clifton Triangle and Southchurch Drive;
- Apparent lack of vision with these proposals, which are in reality creating three unique but separate retail destinations within relatively close proximity;
- The highly important connectivity between the application site and Southchurch Drive does not seem to have any improvements suggested. The current linkages are poor, via a poorly maintained service road;
- An integrated vision and masterplan for both developments, with connectivity to the public transport stops and existing shopping offer on Southchurch Drive, would have benefited all;
- Need reassurance that the delivery of further retail will not damage the existing retail frontage and offer on Southchurch Drive, especially important given its connectivity with the tram and bus stops;
- Subject to vitality of the retail offer on Southchurch not being compromised to unacceptable levels, it is difficult to object to the proposals;

- Clear economic development benefits and the proposals are in a sustainable location, but the lack of overall vision for a retail solution for Clifton means the proposals and those at Clifton Triangle represent an opportunity missed;
- Are there plans to remove the speedbumps along Green Lane with the proposed schemes?

Environmental Health and Safer Places: No objection to the application as originally submitted subject to conditions relating to contamination, an environmental noise assessment, details of extraction system for Class A3 uses and a noise management plan in relation to servicing. With regard to the Acoustic Assessment have commented as follows: The proposed design for fixed plan and equipment at the site used different assessment criteria than those used by the City Council and therefore recommend the submission of a further environmental noise assessment based upon the Council's noise criteria. Also recommends a condition controlling the hours of servicing or collection of refuse to the hours of 08:30-18:00 Monday to Friday and 10:00-17:00 on Sundays and Bank Holidays. Also recommend that if deliveries to units C-G were to increase from the one a day anticipated by the Acoustic Assessment, a noise impact assessment should be carried out.

Highways: The proposal will reduce the overall car parking on the site from 270 spaces to 208 spaces whilst increasing the retail and leisure offering from 3124m² to 4795m². The highway data supplied in support of the planning application states that currently the car park operates at a peak period (Saturday) maximum occupancy of 69% occupied. With the proposed introduction of the additional retail/leisure units, the peak period maximum occupancy rises to 103%. However the Transport Assessment goes on to qualify that this period of occupancy will only occur for the peak 15 minute period within the Saturday peak period. At most times the car park, even on a Saturday, will operate well below capacity. The parking on the Morrison site is also used by shoppers using the main parade of shops on Southchurch Drive but with the creation of the Clifton Triangle development this will be spread between the two sites reducing the demand on the Morrison's site for general shopper parking serving the District Centre.

The impact of the reduction in car parking is not considered to be detrimental to the operation of the highway network due to the development of the Clifton Triangle site which will take pressure off parking demand for this site and due to the sites sustainable location adjacent to the District Centre and Net Line 2. The site offers alternative modes of transport to the private car with many visitors choosing to walk, cycle, use the bus or the tram to access the site. The site is not reliant on the private car for accessibility and indeed the needs of pedestrians and cyclists are as important on this site as car users due to it being located adjacent to the District Centre and serving a large residential community that surrounds the site.

In addition, the introduction of the retail units will reduce the car parking capacity of the site and thus reduce the overall number of vehicles that can enter the site, in turn reducing traffic generation. Existing Traffic Regulation Orders on Green Lane will control any off-street parking that could potentially be generated by the site and there would be no additional Traffic Regulation Orders to be introduced as a result of this development.

The proposed off site highway works, namely the narrowing of the existing vehicular access off Green Lane to make it more pedestrian friendly, the removal of a pedestrian refuge in the junction of the site with Green Lane and improvements to

the pedestrian refuge on Green Lane to the south-west of the access junction are acceptable. The applicant is proposing new segregated pedestrian routes through the car park, which are welcomed.

A Construction Management Plan is requested by condition.

It is proposed to service the proposed retail and leisure units C-G from the private service access road which has its junction with Stanesby Rise and Donington Road. The applicant has provided tracking to show that there is sufficient turning area within the curtilage of the site for a 12m rigid vehicle to enter and leave the site in a forward gear, and we are satisfied that this is the case. Request a condition is attached however stating that this is the maximum size of vehicle that should be allowed to service the site.

From a Road Safety perspective, the service road will provided adequate segregation of pedestrians and traffic and will allow safe passage of 2 vehicles provided that a formal layby is introduced to allow vehicles to pass with a footway around it. The service road (even including the deliveries to the new retail units) will be lightly trafficked and will operate satisfactorily provided the new layby is introduced. Details of the proposed layby should be submitted for approval prior to works commencing on site.

Subject to the applicant introducing a formal layby for servicing vehicles on the service road to the rear of units C to G, and the inclusion of the conditions referred to above, there are no highway concerns regarding this proposal.

Tree Officer: No objection. Most peripheral trees are shown as retained but it would be positive to see some limited tree planting within the car park. Trees in car parks are highly prized by shoppers for the shade provided in summer and they mitigate the impact of large hard featureless open space. Conditions required securing the submission of an Arboricultural Method Statement and landscaping.

Drainage: No comments.

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 support the transition to a low carbon future.
- 6.3 Para 23 sets out that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of

centres over the plan period. LPAs should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Aligned Core Strategies (2014):

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 6: Role of Town and Local Centres

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Nottingham Local Plan (November 2005):

Policy ST1: Sustainable Communities

Policy NE5: Trees

Policy NE9: Pollution

Policy NE10: Water quality and flood protection

Policy NE12: Derelict land

Policy S4: Retail development within town centres

Policy S7: Food and Drink

Policy T2 – Planning Obligations and Conditions

Policy T3: Car, cycles and servicing parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of development;
- (ii) Layout and design;

- (iii) Impact on neighbours;
- (iv) Highway impacts;
- (v) Planning obligation.

(i) Principle of development (Aligned Core Strategies policy 6 and Local Plan policies ST1, S4 and S7)

- 7.1 The existing Morrisons store falls within the defined shopping area of the Clifton Town Centre, as identified in the Local Plan. The store is the largest shopping facility offered by the town centre and it generates significant footfall within the centre, thus helping to maintain its overall health.
- 7.2 Clifton is identified within policy 6: Role of Town and Local Centres in the Aligned Core Strategies as a centre in need of enhancement/underperforming. The policy states that the vitality and viability of all centres will be maintained and enhanced, including widening the range of uses whilst maintaining a strong retail character.
- 7.3 Saved policy S4 of the Local Plan supports the provision of new retail development subject to certain criteria. The application site occupies a prominent location within the centre and the proposed development would maintain the compactness of the shopping area. The proposal would diversify and widen the range of retail and leisure outlets available in the Town Centre, thus enhancing the vitality of the centre and contributing positively to the its' overall performance. Although the site is located within the Clifton Town Centre, the pedestrian connection between the application site and the Southchurch Drive shopping parade and the NET tram stop is currently poor. To address this the applicant has offered a financial contribution towards environmental improvements to improve this link, which would assist in making the whole Town Centre generally more accessible and cohesive. This matter is considered in more detail in para 7.24.
- 7.4 The proposal accords with national policy which supports sustainable development that enhances the vitality of town centres. The application site is located in a highly sustainable location, well served by public transport and close to the primary residential areas that it serves.
- 7.5 The principle of the development in this location is therefore considered acceptable and in accordance with local and national policy requirements which directs town centre use development of this nature to existing town centre locations. The NPPF, Aligned Core Strategies policy 6 and Local Plan policies ST1, S4 and S7 are therefore satisfied.

(ii) Layout and design (Aligned Core Strategies policy 10)

- 7.6 The proposal is for two separate blocks; the smaller block 1 on the Green Lane frontage and the main block 2 adjacent to Morrisons food, store facing south across the car park. Various options for the layout have been considered by the applicant at the request of the City Council with the objective of enhancing the prominence of the development from Green Lane. However, it has been satisfactorily demonstrated that the proposed option is the most practicable having regard to all relevant issues, including the amenity of nearby residents, servicing and loss of car parking.

- 7.7 In terms of design, block 2 significantly differs from the existing Morrisons store and is a building of more modern appearance with large, individual glazed shop fronts and significant areas of glazing to both the stair core and within the gym itself. The mix of predominantly brickwork to the groundfloor with cladding above is considered to be an appropriate balance that is respectful to its context yet creates its own character. Block 1 has a similar architectural style and provides some frontage development to Green Lane, which is beneficial to the street scene and helps to reinforce the 'retail frontage' in this part of the town centre, that links Southchurch Drive to the new 'Clifton Triangle' retail development.
- 7.8 The proposals include a segregated and safe pedestrian route through the car park connecting Green Lane and block 1 with block 2 and the Morrisons store. This is considered a significant improvement on the existing provision for pedestrians within the car park and will help to better connect the two separate parts of the proposed development and also the wider town centre to Morrisons and Green Lane.
- 7.9 In conclusion, it is considered that the layout and design are acceptable and policy 10 of the Aligned Core Strategies is therefore satisfied.

(iii) Impact on neighbours (Aligned Core Strategies policy 10 and Local Plan policy NE9)

- 7.10 The properties to the north and west of the application site are residential. At the closest point the single storey part of block 2 would be approximately 12m from the nearest dwelling on Dunsby Close and the two storey part would be approximately 20m. The impact would also be lessened by the change in level between the two. Taking into account the separation distances proposed between and the change in level, it is considered that the impact of block 2 would be acceptable and would not result in an unreasonable overbearing or overshadowing impact on the neighbouring residents.
- 7.11 Block 2 is a single storey building proposed to be located approximately 11 m metres from the boundary of the site. The area alongside the boundary at this point is densely planted with trees and the nearest residential property, 147 Green Lane, is also elevated above the site. It is therefore considered that the scale and mass of block 2 would not have an adverse impact upon the occupiers of this property.
- 7.12 The proposal would result in a greater amount of retail floorspace on the site with a likely increase in the number of customers, cars and deliveries. The principle of an increase in floorspace and the impact of this upon nearby residents was previously accepted by the previous planning permission for an extension with a total floor area of 1639 sq m (gross retail floor area 740 sq m), granted planning permission in 2012 (but not implemented). The impact of the current proposals should also be viewed within the context of the existing activity on the site and whether restrictive conditions can be used to mitigate against any further impact on residential amenity. It should be noted that the proposed units would be built within the existing Morrisons car park which would remove car park associated activity further to the centre of the site, away from the nearest residential properties along the northern boundary.
- 7.13 A significant change arising out of this proposal, as compared with the planning permission for the extension granted in 2012, is the creation of a service yard at the

rear of block 2. It is proposed that this would be accessed by an existing roadway within the site, which connects to Donington Road. This access road is currently used to access the Morrisons staff car park and an electricity substation. There is also a gated route used by pedestrians from the existing Morrisons car park that connects to the access road.

- 7.14 The access road is adjacent to the rear gardens of four properties on Wayne Close. Historically, this road was used as the access for all delivery vehicles to the Morrisons store. However, it was the subject of significant complaints about noise nuisance arising from loading and unloading operations, vehicle movements and refuse collection in the service area. A Breach of Condition and an Abatement Notice were served in 1999 and as a result the main service yard to the store was relocated and is now accessed from the service road to the east, off Donington Road.
- 7.15 The use of the length road to the proposed service yard is a source of significant concern to a long-standing resident of Wayne Close. This aspect of the proposal has therefore been carefully assessed and additional information has been submitted in the form of an Acoustic Assessment to assist in judging the possible impacts upon the nearby occupiers.
- 7.16 The Acoustic Assessment provides more information about the noise impacts of both servicing and the operation of plant and equipment that would be located on the roof and rear elevation of block 2. With regard to servicing, the report anticipates that the level of service vehicles for the proposed units would be low – in the order of one delivery vehicle per day/per unit and that servicing would take place within the hours of 08:30 – 18:00 Monday to Saturday and 10:00 – 17:00 on Sundays and Bank Holidays. It is also anticipated that the units would typically receive deliveries from smaller vehicles. The proposed Morrisons café would be serviced directly from Morrisons main service yard and this would mean that there would be likely to be no more than four deliveries a day to block 2 via the service yard.
- 7.17 Environmental Health and Safer Places have carried out an assessment of the overall proposal and considered the Acoustic Assessment. They have not raised an objection subject to the imposition of conditions requiring the submission of an environmental noise assessment for plant/equipment and a noise management plan to ensure that deliveries to the site would not result in unacceptable noise and disturbance, which would minimise and mitigate any impact arising from the proposals.
- 7.18 It is recognised that the number of deliveries which would be generated by units of the size and type proposed would be low and would not be likely to result in an unacceptable level of noise and disturbance to nearby residents, subject to the hours of use being controlled. Environmental Health and Safer Places have also recommended that if the number of delivery vehicles were to exceed one delivery vehicle per unit/per day, an environmental noise assessment should be submitted. It is considered that it would be both unreasonable and unenforceable to control the exact number of deliveries per day by condition and it is, in any event, unlikely that the level of use of the access road and the service yard would increase to a point where it would result in significant noise nuisance given the size of the units. It is therefore considered that subject to the recommended conditions restricting the delivery hours for servicing and refuse collection and a noise management plan,

that in terms of the impact upon nearby residents the proposed servicing arrangements are acceptable.

7.19 Concerns have also been expressed about the use of the access road during the construction period and the nuisance that might result from this. This is not a matter which can be controlled by planning condition but if noise problems there are other powers which can be exercised by Environmental Health and Safer Places to address this. A Construction Management Plan is required by condition but the main purpose of this is to ensure that the site is operated in a way that would not result in highway safety issues in the vicinity.

7.20 Aligned Core Strategies policy10 and Local Plan policy NE9 are therefore satisfied.

(iv) Impact on highways (Aligned Core Strategies policy 10 and Local Plan policy T3)

7.21 The Transport Assessment (TA) confirms that the application site is in a sustainable location within the defined Town Centre. It is surrounded by residential development and is readily accessible on foot and by cycle. It is also close to existing bus and tram stops, which provide good public transport accessibility from further afield.

7.22 The proposed development would result in the loss of 62 car parking spaces reducing the total number to 208. This in part due to the construction of blocks 1 and 2 on the car park but also due to the inclusion of a segregated pedestrian link through the car park. Highways have confirmed that the overall reduction in car parking numbers is acceptable, taking into account the sustainable location of the development, which is very well served by public transport. The Clifton Triangle site, which is located to the west of the application site, off Green Lane, which is currently under construction, will also provide 218 retail car parking spaces, which will significantly add to the level of car parking serving the town centre as a whole. Parking for 10 cycles is also proposed.

7.23 An objector has raised concerns about the safety of pedestrians along the access road to leading to Donington Road and possible conflict with service vehicles. It has been agreed that this will be improved by providing a kerbed footway along its' eastern side and a painted crossing over the road itself. The width of the access road has also been reviewed in terms of its width and the ability of service vehicles to be able to pass each other. Highways have confirmed that the proposed arrangement will be satisfactory provided that a layby is introduced to allow vehicles to pass with a footway around it. A condition is proposed requiring details of this. It is also proposed to impose a condition requiring the size of service vehicles using the site to 12m rigid vehicles. It has been demonstrated that a vehicle of this size would be able to able to turn within the service area.

7.24 The proposed off site highway works, namely the narrowing of the existing vehicular access off Green Lane to make it more pedestrian friendly, the removal of a pedestrian refuge in the junction of the site with Green Lane and improvements to the pedestrian refuge on Green Lane to the south-west of the access junction are acceptable. These would improve safety for pedestrians along this route and help make the walking route along Green Lane more attractive.

7.25 A Travel Plan for the existing store has also been submitted with the application and a condition is recommended requiring submission of a further, more detailed Travel Plan following completion of the development.

(v) **Planning obligation** (Aligned Core Strategies policy 10 and Local Plan policies T2 and S4)

7.26 As referred to in para 7.3 the applicant has agreed to make a financial contribution of £30,000 towards environmental improvements to the pedestrian route that connects the Southchurch Drive shopping parade to the application site. The route currently comprises a narrow pedestrian walkway between properties on Southchurch Drive, which leads to a rear service road and then Morrisons to the west of this. The walkway element predates the construction of Morrisons and was not designed for the purpose it is now used for, which is as a very well used route between Southchurch Drive and Morrisons. The proposed development will further intensify its' use and the proposed environmental improvements would make it a significantly more attractive and safer route between the application site and the Southchurch Drive shopping parade. The absence of an overall vision for Clifton town centre and the lack of connectivity between this site, Southchurch Drive and the Clifton Triangle site is an issue which has been commented upon a Clifton resident. Although the environmental works proposed would not be a complete solution to the issues identified, they are nevertheless welcome and are part of wider works in Clifton Town Centre which the City Council are proposing to undertake.

7.27 The Section 106 obligation sought would not exceed the permissible number of obligations in accordance with Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

8 SUSTAINABILITY / BIODIVERSITY (Local Plan policy NE5 and Aligned Core Strategies policies 1 and 17)

8.1 The application is accompanied by a Sustainability report that sets out a proposed lean fabric design, efficient use of building services and solar PVs. The use of air source heat pumps and PVs would achieve a 17% carbon emissions reduction against the Building Regulations Part L2A (2013). In addition, the proposed technologies would generate around 11% of the total predicted energy demand of the development.

8.2 A landscaping condition is proposed which will enable more tree planting to be undertaken as part of the proposals which will contribute to biodiversity in addition to contributing to the appearance of the development.

8.3 Local Plan policy NE5 and Aligned Core Strategies policies 1 and 17 are therefore satisfied.

9 FINANCIAL IMPLICATIONS

The development secures a financial contribution of £30,000 towards the improvement of the pedestrian route between the development and the town centre.

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: Utilising a site within the town centre with a good quality, sustainable development.

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None

15 VALUE FOR MONEY

None.

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

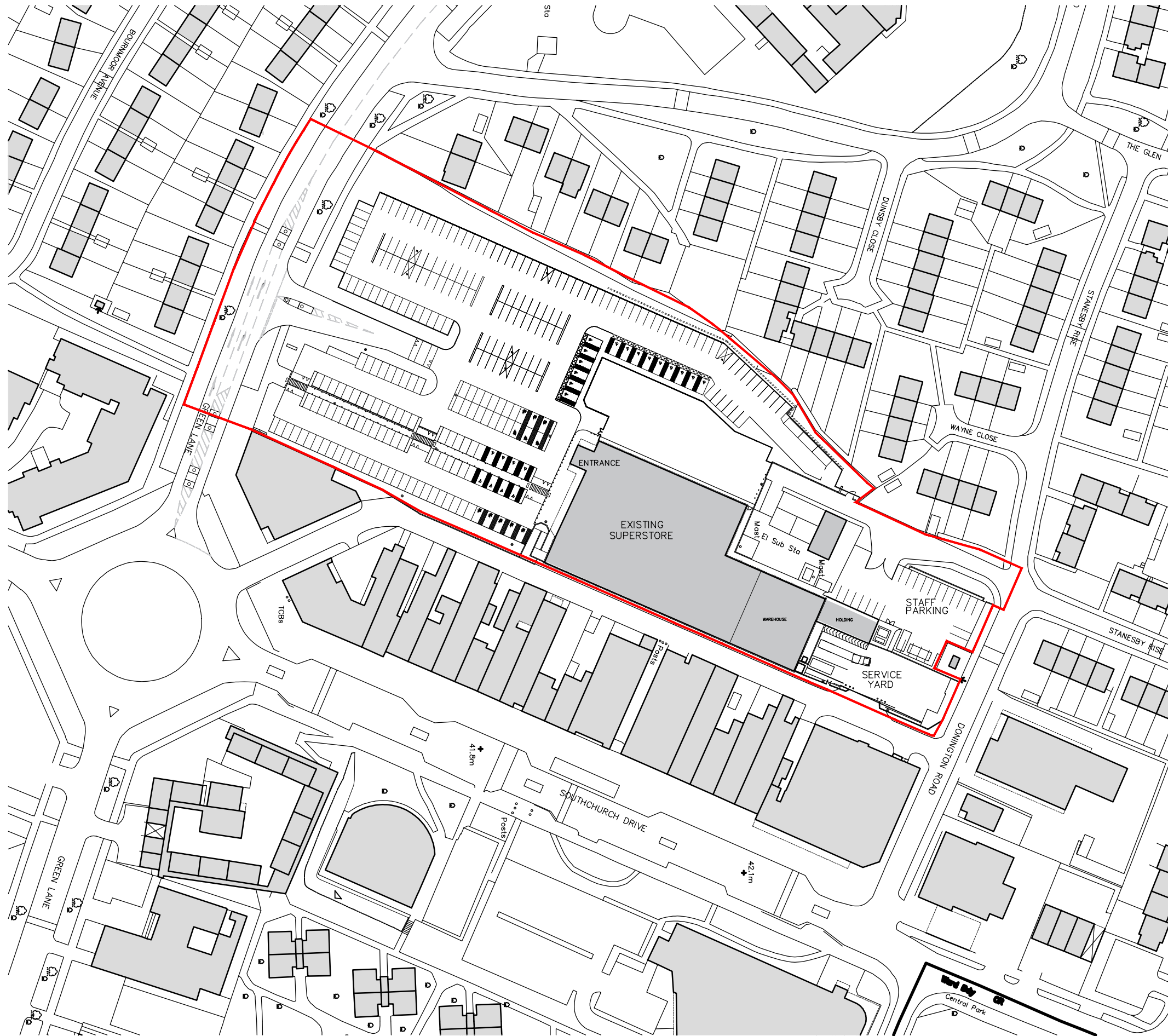
1. Application No: 17/02258/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OX8VDZLY01B00>
2. Comments from local residents dated 25.10.2017, 22.10.2017, 11.10.2017, 09.10.2017 and 27.03.2017
3. Email from Environmental Health and Safer Places dated 10.11.2017 and 03.03.2017
4. Email from Tree Officer dated 20.10.2017
5. Email from Drainage dated 09.10.2017

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategies (2014)
National Planning Policy Framework

Contact Officer:

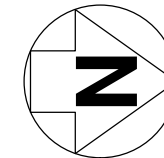
Mrs Janet Keble, Case Officer, Development Management.
Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056



© Whittam Cox Architects - Disclaimer:

This drawing is copyright of WCEC Group Ltd trading as Whittam Cox Architects, and shall not be reproduced nor used for any other purpose without the written permission of the Architects. This drawing must be read in conjunction with all other related drawings and documentation. It is the contractors responsibility to ensure full compliance with the Building Regulations. Do not scale from this drawing, use figured dimensions only. It is the contractors responsibility to check and verify all dimensions on site. Any discrepancies to be reported immediately.

IF IN DOUBT ASK:
Materials not in conformity with relevant British or European Standards/Codes of practice or materials known to be deleterious to health & safety must not be used or specified on this project.



APPLICATION BOUNDARY
4.977 acres / 2.014 hectares

B	01/09/17	Revised site boundary and area	WF/DC
A	25/08/17	Amendment to key	WF/DC
No.	Date	Description	Drwn/Chkd By
CLIENT			

Total Property Solutions

PROJECT

Green Lane, Clifton

TITLE

Location Plan

DRAWING STATUS

Planning

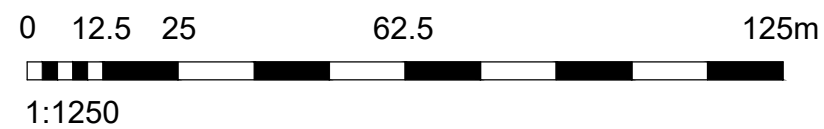
DRAWN	WF	CHECKED	DC
-------	----	---------	----

SCALE 1:1250 @ A3

DATE June 2017

Whittam Cox ARCHITECTS
 Chesterfield / 01246 260261
 London / 020 3388 0019
 Leeds / 0113 3366018
 whittamcox.com

JOB NO.	DRAWING NO.	REV
15-503	PL_01	B



My Ref: 17/02258/PFUL3

Your Ref:

Contact: Mrs Janet Keble (Tues,Wed,Thurs)

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

Peacock And Smith Ltd
Mr Gareth Glennon
9C Josephs Well
Manover Walk
Leeds
West Yorkshire
LS3 1AB

Date of decision:

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

Application No: 17/02258/PFUL3
Application by: William Morrison Supermarket PLC
Location: Morrisons Supermarket, Green Lane, Nottingham
Proposal: Mixed use retail (Class A1-A3 and Class A1/A3) and leisure scheme (Class D2) comprising two units adjacent to Green Lane and five units adjacent to the supermarket building

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)



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

DRAFT ONLY
Not for issue

Page 19

Continued...

2. The development shall not be commenced until a Remediation Strategy that includes the following components to deal with the risks associated with ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 and NE12 of the Nottingham Local Plan.

3. No development shall be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
- (a) Management of the highway network;
 - (b) The parking of vehicles of site operatives and visitors;
 - (c) Loading and unloading of plant and materials;
 - (d) Storage of plant and materials used in constructing the development;
 - (e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (f) Wheel wash facilities;
 - (g) Measures to control the emission of dust and dirt during construction;
 - (h) A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To ensure that the amenity of nearby occupiers is protected during construction of the proposed development and in the interests of highway safety in accordance with Policy T3 of the Local Plan and Policies 10 and 14 of the Aligned Core Strategy.



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

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development as a whole and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

5. Prior to the installation of any mechanical services plant or equipment (including any air handling plant), an environmental noise assessment shall be submitted to and approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the noise from the proposed mechanical services plant or equipment (including any air handling plant) running at 100% load, combined with any existing mechanical services plant or equipment, shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

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

Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

6. Any approved Class A3 use within the development shall not be brought into use until, if required, they have been fitted with a fume extraction and ventilation system. The system shall not be installed other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

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

Reason: In the interests of the amenities of neighbouring occupiers and the visual amenity of the area, in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

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

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

8. 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.

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

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

9. The development shall not be commenced until details of the areas to be hard landscaped, which should be of permeable materials where possible, have been submitted to and approved in writing by the Local Planning Authority.

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

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

10. The development shall not be commenced until details of lighting in the service yard and along the footpath between the western edge of the site to the service access road have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the appearance of the development is satisfactory and in the interests of the amenity of nearby residents and community safety to comply with Policy 10 of the Aligned Core Strategies.

11. The development shall not be commenced until details of the means of enclosure of the service yard have been submitted to and approved in writing by the Local Planning Authority.

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

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



12. Any approved Class A3 or Class A1/A3 use within the development shall not be brought into use until:

(i) if required, they have been fitted with a fume extraction and ventilation system. The system shall not be installed other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

(ii) Verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance for that unit has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of nearby residents and the visual amenity of the area, in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

13. Prior to the occupation of any part of the development a Noise Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

The Noise Management Plan shall identify the types and locations of operational and other activities which are likely to cause noise disturbance to sensitive receptors and:

(a) Minimise noise arising from operational and other activities by technical and physical means, and through management best practice;

(b) Identify the person responsible for recording, investigating and dealing with complaints from any residents;

(c) Regularly review the Noise Management Plan.

Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

14. Prior to the occupation of any part of the development written verification shall be submitted to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented.

Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

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

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

Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 and NE12 of the Nottingham Local Plan.

16. No part of the development shall be occupied until details of a landscaping scheme including details of the type, height, height, species and location of proposed trees and shrubs (which shall be of native species), together with details of proposed tree pits and a management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall be provided in accordance with the approved details within the first planting season following the completion of the development.

Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority.

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

17. No part of the development shall be occupied until the cycle parking has been provided in accordance with the approved plans.

Reason: In the interests of highway safety and to promote sustainable modes of transport in accordance with Policy 10 of the Aligned Core Strategy.

18. No part of the development shall be occupied until the hard landscaped areas, lighting and enclosure have been completed in accordance with the details approved by the Local Planning Authority.

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

19. Units C-G shall not be occupied until the improvements to the facilities for pedestrians along the access road, to be in general accordance with the Proposed Site Plan (dwg no. 15-503PL-03 rev L), have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To improve the conditions of pedestrian safety along the access road in accordance with Policy 10 of the Aligned Core Strategies.

20. No part of the development shall be occupied until the following have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority:

(i) Alterations to the vehicular access to the site from Green Lane and the pedestrian refuge on Green Lane;

(ii) Alterations to the access road to the service yard to provide a segregated footway and a means of enabling vehicles to pass.

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

Reason: To improve the conditions of pedestrian safety along Green Lane and the access road to the service yard in accordance with Policy 10 of the Aligned Core Strategies.

21. The development shall not be occupied until the pedestrian route through the car park has



been provided in accordance with the approved plans.

Reason: To improve the conditions of pedestrian safety along the access road in accordance with Policy 10 of the Aligned Core Strategies.

Regulatory/ongoing conditions

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

22. Within 6 months of occupation of the extended facilities, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable, and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority

Thereafter the Final Travel Plan shall be implemented at all times.

Reason: In order to promote sustainable modes of travel in accordance with Policy 14 of the Aligned Core Strategies.

23. The service yard and the access road leading to it shall not be used by delivery or waste collection vehicles outside the hours of 08:30 hours - 18:00 hours Monday to Saturday and 10:00 hours - 17:00 hours on Sundays.

Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

24. Servicing of units A-B, including the waste collection, shall not be undertaken outside the hours of 08:30 hours - 18:00 hours Monday to Saturday and 10:00 hours - 17:00 hours on Sundays.

Reason: In the interests of the amenity of nearby residents to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategies.

25. The maximum size of vehicle which shall use the service yard and the access road shall be 12m rigid vehicles.

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

26. Units C-F shall not be sub-divided without the prior consent of the Local Planning Authority.

Reason: To ensure that the servicing arrangements are satisfactory to comply with Policy 10 of the Aligned Core Strategies.

27. The development shall be carried out in accordance with the Flood Risk and Drainage Assessment (GHD QL17467/FRDA Rev D).

Reason: To ensure that the site is properly drained and any flood risk addressed in accordance with Policy NE10 of the Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 27 September 2017.

Reason: To determine the scope of this permission.

Informatives

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

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

3. Highway related

1. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

2. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Network Management in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

3. Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

4. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site you must contact Highways Network Management on 0115 876 5293 to ensure all necessary licences and permissions are in place.

5. If the public have enjoyed walking or riding over land for a period of 20 years the presumption is that the landowner has dedicated that land to the public as a highway / public right of way unless there is sufficient evidence that during that period the landowner had no intention to dedicate it, such as a locked gate or a sign stating "no public right of way". This is covered by S31(1) of the Highways Act 1980.

To rebut anyone claiming a public right of way over their land, as well as locking a gate or putting up signs, a landowner may deposit a statutory declaration with the Council's highway authority. The declaration confirms that the landowner has no intention of dedicating any public rights of way over their land (it also acknowledges any existing public rights of way). These declarations do not operate retrospectively so they cannot be used to rebut any public rights of way already created over the land. It's a simple cost effective process available to all landowners who do not mind the public using their land but do not want anyone to claim any permanent rights. The declarations have to be refreshed every twenty years. This is covered by S31(6) of the Highways Act 1980. If



DRAFT ONLY

Not for issue

the applicant wishes to pursue the rebuttal of future rights of way claims then they should contact John Lee on tel 0115 8765246 for further information.

4. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

5. Control of Odour & Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

6. Noise Management Plan

Noise from the operation of the development must not exceed the following internal noise levels at any nearby noise sensitive premises:

- 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).

The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

The operator must adhere to the agreed Noise Management Plan while the premises remain operational. The Noise Management Plan must be regularly reviewed. Any significant amendments which may have an impact on noise sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders

7. 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 0830-1700)

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 Environmental Health and Safer Places section.

8. Ground Gas Contamination



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

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

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

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

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

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: 17/02258/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 30

- 12 -

WARDS AFFECTED: Bilborough

Item No:

PLANNING COMMITTEE
18th April 2018

REPORT OF CHIEF PLANNER

Site Of Denewood Centre, Denewood Crescent

1 SUMMARY

- Application No: 17/02244/NOUT for outline planning permission
- Application by: Planning And Design Group (UK) Ltd on behalf of Nottingham City Council And Nottinghamshire County Council.
- Proposal: Outline planning permission for residential development with all matters reserved except access.

The application is brought to Committee as it is a major application where there are important land use considerations and because the ordinarily required planning obligations may be waived, or substantially less than typically required by adopted planning policies

To meet the Council's Performance Targets this application should be determined by 1st May 2018, the date that has been agreed as an extension of time.

2 RECOMMENDATIONS

2.1 GRANT OUTLINE PLANNING PERMISSION subject to:

- a) Prior completion of an agreement under section 106 of the Town and Country Planning Act 1990 and/or section 111 of the Local Government Act 1972 to secure necessary and reasonable planning obligations relating to the development
- b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 The Power to determine the content and requirements of the S106/111 agreement be delegated to the Chief Planner in consultation with the Committee Chair, Vice-Chair and opposition spokesperson, and be subject to him being satisfied that the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 are met.

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

3 BACKGROUND

3.1 Denewood Centre is a former school and then an education office/training facility, which has now been demolished. The site is in the joint ownership of the City and County Councils with the County Council owning the more significant proportion of the 3.04ha. The site is crescent in shape and bordered by fencing and in places by well-established trees, particularly along the western boundary. Internally, the site has been cleared of the structures down to ground level, leaving the buildings

foundations and former car parking areas. Existing trees and landscaped areas are dispersed across the site. The topography is reasonably flat across most parts, gently sloping from the north to the south. The site has a single vehicle access point from Denewood Crescent.

- 3.2 The site is bordered by schools to the north and south, school playing field to the east and with residential houses fronting Denewood Crescent to the west.

4 DETAILS OF THE PROPOSAL

This application is seeking outline approval for residential development of the site with access arrangements the only detailed matter submitted for approval at this stage. The submission however includes an illustrative masterplan, which indicates that approximately 110 dwellings could be accommodated on the site. The development would be served by the existing vehicular access from Denewood Crescent.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

82 Neighbouring properties on the following streets have been notified of the proposal:

Denewood Crescent
Beechdale Road
Highwood Avenue

The application has also been publicised through the display of a site notice and the publishing of a press notice.

One local resident adjoining the still has written in with the following concerns:

- Loss of privacy. To reduce the impact on neighbours adjoining the access to the site it is suggested that the proposed access road is offset to one side and only one new dwelling be built to the side fronting Denewood Crescent. Alternatively, no new dwelling be placed to either side of the access and this area be landscaped.
- The potential for increased traffic in an area already suffering from congestion due to the three schools in the area.
- Damage to the highway surface on Denewood Crescent, including due to construction traffic. They request that measures be put in place to manage the traffic, mud/dust on the roads and for there to be agreement to make good any damage to the existing road infrastructure.
- A request for a tree bordering their property and not identified on the tree survey to be removed.
- Impact on existing house prices.

A public exhibition was also held by the applicant at the Russell Sheila Community Centre to consult the local community on the initial concepts and proposals for the site, prior to the submission of the planning application. The event attracted around 13 people with 5 feedback forms returned. Feedback comprised of concerns regarding increased traffic, noise and current security issues with the site. The

residents also stated that smaller homes, bungalows, affordable housing and starter homes are needed in the area.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections. Conditions requiring a remediation strategy, implementation of the submitted sound insulation scheme and electric vehicular charging point are recommended.

Highways: No objections. Conditions relating to a construction management plan and details of the proposed vehicular and pedestrian access are recommended.

Drainage: No objections, subject to development of the site being carried out in accordance with the submitted Flood Risk Assessment.

Police Architectural Liaison Officer: The site is located within an area, which has a history of medium to high crime and disorder levels, where crime against property is high. Resident development of the site should therefore be built to the highest standards of security, preferably to Secured by Design Gold Standard, and Building Regulations Part Q. In addition, homes should be designed with on plot parking, with vehicles being viewed from an "active" room for surveillance.

Biodiversity Officer: No objections, subject to the development being carried out in accordance with the recommendations of the submitted ecological appraisal.

Tree Officer: Trees along the western boundary and a mature tree at the centre of the site are covered by Tree Preservation Order (TPO/00003/15). This represents the minimum level of existing mature trees the Council would expect to see retained on the site. The tree survey identified the exceptional tree (TPO11), located at the centre of site as being of particular importance. It is a veteran tree and considered by the tree surveyor to be "ancient". Both veteran and ancient trees are recognised by NPPF which states (para 118) "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland."

Housing Strategy: Are broadly happy with proposed housing mix outlined in the Design and Access Statement ie. that it be houses, in keeping with the existing housing stock, and that it would be private market for sale housing with 20% affordable housing. Having the apartments to account for the land to be lost to the balancing pond is acceptable, so long as they comprise a mix of tenure. It is assumed that 2/3 bed houses will dominate but details of the final mix/density would form part of the subsequent reserved matters application.

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.

Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.

Nottingham Local Plan (November 2005):

Policy ST1 – Sustainable Communities

Policy H2 – Housing Density

Policy H5 – Affordable Housing

Policy R2 – Open Space in New Development

Policy T3 – Car, Cycle and Servicing Parking

Policy NE5 – Trees

Policy NE6 – Trees Protected by TPO's

Policy NE9 – Pollution

Policy NE12 – Derelict and Contaminated Land

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.

Policy 17 – Biodiversity

Policy 19 – Developers Contributions

Emerging Local Plan

The site is allocated in the emerging Local Plan (part 2) for residential use (PA26).

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development**
- (ii) Density, layout and scale;**
- (iii) Relationship with adjoining residential properties**
- (iv) Highway considerations;**
- (v) S106 planning obligations.**

i) Principle of the development (NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2 and R1 and R5 of the Local Plan)

- 7.1 The site is currently vacant but lies within an area, which aside from the adjacent schools, is residential in character. The site is allocated for development in the emerging Land and Planning Policies Development Plan Document (LAPP), September 2017, reference “PA26 Denewood Crescent – Denewood Centre”. Whilst the application is in outline (and therefore subject to details such as housing mix being agreed at a later stage) the proposed uses for the site are residential (predominantly family housing) with potential for an element of specialist housing to meet the needs of the elderly. The minimum, maximum and midpoint of expected dwellings on the site are 90, 120 and 105 dwellings. The number of dwellings proposed in the outline application, (110) is in line with this. Although this is emerging rather than adopted policy, the LAPP is at an advanced stage and sets out a clear direction for this site. The development of this vacant brownfield site for residential development in an established residential area in any event satisfies the relevant policies of the adopted development plan, comprising the Local Plan and the Aligned Core Strategy. There is therefore no objection to the principle of the use of the site for a residential development and the proposal has the potential to deliver a scheme of high family housing in a sustainable location.
- 7.2 The proposal site layout put forward for consideration at this time is for a development of houses that would provide family accommodation with generous gardens, and a small element of apartments. Such accommodation would support the aims and objectives of policies ST1 and Policy 8 that supports the provision of family housing.
- 7.3 It is proposed to straighten out the northern boundary of the site between it and the adjacent playing field. This is a small incursion into the adjoining playing field and would not adversely affect the current function of the playing fields and its role as part of the Open Space Network.
- 7.4 The proposal would therefore comply with NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2 and R1 and R5 of the Local Plan

(ii) Density, layout and scale (Policy 10 of the Aligned Core Strategy and Policies H2, T5 and T6 and NE 5 and NE6 of the Local Plan)

- 7.5 All matters regarding site layout, scale and design of the proposed dwellings would be considered by a subsequent reserved matters submission. The application is however supported by an illustrative masterplan and detailed Design and Access Statement.

- 7.6 The illustrative master plan shows the roads and built form to reflect the general form and pattern of the surrounding area. The crescent shape of Denewood Crescent is striking and the layout responds to this, resulting in a cohesive and integrated scheme. The layout also depicts an urban form consisting of two storey detached, semi-detached and terraced housing organised in perimeter blocks. Continuous frontages are proposed to define and overlook the streets. A small apartment scheme is shown in the southern part of the site overlooking the attenuation pond. This layout envisages a density of 36 dwellings per hectare, which reflects the largely family housing proposition, and the character of the site and its surroundings.
- 7.7 A hierarchy of street character types, from a tree lined avenue approach to low trafficked 'homezone' spaces is proposed. A central focus within the site is the roundabout which can be seen as pedestrians and vehicles enter the site, defining it as a key route within the site. This feature has been used to ensure the retention of the veteran Wild Cherry tree referred to in the Tree Officer's comments above. An attenuation pond has been created in southern corner of the site to manage surface water drainage and provide an attractive area of open space.
- 7.8 Some of the trees along the western boundary and the Wild Cherry Tree are protected by a Tree Preservation Order. The Cherry is noted to be of particular importance. All TPO trees are to be retained and the masterplan has been designed to give prominence and space to the veteran Cherry.
- 7.9 It is therefore considered that the proposed development would comply with Policy 10 of the Aligned Core Strategy and Policies H2, T5 and T6 and NE 5 and NE 6 of the Local Plan.

(iii) Relationship with adjoining residential properties (Policy 10 of the Aligned Core Strategy)

- 7.10 The indicative layout has taken into account the relationship between the existing and the proposed properties. It is considered that the relationship with the properties immediately adjacent to the site is acceptable and that the proposal would not unacceptably impact upon the amenities of the neighbouring occupiers. The reserved matters submission would resolve the detail of the layout, including the boundary treatment to the edge of the site where it abuts existing residential properties. It is therefore considered that the proposed development would satisfy Policy 10 of the Aligned Core Strategy, in this regard.

(iv) Highway considerations (Policy 17 of the Aligned Core BE1, BE2 and T3)

- 7.11 Access for vehicles and pedestrians would remain as existing from Denewood Crescent. The existing vehicular access is to be widened to 5.5m wide with 2m footways, 6m radii and appropriate visibility splays. Additional pedestrian access points are proposed away from the vehicular access. Highways are satisfied that the design for the proposed access would ensure safe access and egress into the site from the highway network. It is recommended that a condition is imposed to secure the delivery of the junction design as indicatively proposed.
- 7.12 Highways are satisfied that the traffic created by this development would be acceptable and would represent a net reduction from its previous use.
- 7.13 All matters regarding the internal road layout and parking for the proposed dwellings would be considered as part of the subsequent reserved matters submission.

7.14 A Construction Management Plan would be conditioned to ensure the highway and neighbouring residents are not adversely affected.

(v) Planning obligations (Policies ST1, H5 and R2 of the Local Plan and Policy 19 of the Aligned Core Strategy)

7.15 As indicated above the majority of the site is owned by the County Council with the remainder in City Council ownership. Whilst it is legally possible to secure planning obligations under a s106 Agreement over the part of the site owned by the County Council it is not possible to do so for the land in the City Council's ownership.

7.16 For this development the policy compliant planning obligations which would be required based on the indicative layout would be:

- A requirement to provide 20% affordable housing should any subsequent reserved matters submission comprise of 25 dwellings or more.
- An off-site financial contribution towards public open space.
- A Financial contribution towards education

7.17 As financial contributions are calculated by reference to a policy based formula reliant on details to be covered in reserved matters it is not possible to give a precise indication of what would ordinarily be required at this stage. However, in terms of education, the secondary schools are already experiencing capacity issues and consequently the development is going to increase pressure for school places. Based on the indicative layout Education have provisionally indicated that a figure in the region of £292,925.00 would ordinarily be required. The contribution, if required, would be used towards expanding the capacity of secondary schools in the "West Planning Area", which includes Bluecoat Beechdale, Fernwood and NUSA.

7.18 The applicants have however submitted a viability appraisal indicating that the proposed development would not be viable based upon the provision of the full range of S106 developer contributions that the scheme would otherwise be required to meet. The appraisal has been reviewed by the District Valuer and negotiations regarding this matter are on-going. For this reason it is suggested that the power to determine the contents and requirements of any necessary agreement(s) be delegated to the Chief Planner in consultation with the Chair, Vice Chair and opposition spokesperson and subject to him being satisfied that the relevant requirements of the Community Infrastructure Levy Regulations will be met.

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

7.19 A remediation strategy to deal with ground contamination and a noise assessment and insulation scheme to protect future occupiers of the site would be secured by condition. The proposals are therefore in accordance with Policy NE12.

8. SUSTAINABILITY / BIODIVERSITY

8.1 The conservation and enhancement of existing trees and planting forms an integral the scheme.

- 8.2 Surface water drainage is to be reduced to greenfield runoff rates and has been designed to use sustainable drainage techniques. A surface water attenuation pond is to be provided in the southwest corner of the site.
- 8.3 Conditions can also be used to secure enhancements to the ecological interest of the site, which could be achieved through native planting and the use of bird/bat boxes. As such, the development accords with Policy 17 of the Aligned Core Strategy.

9 FINANCIAL IMPLICATIONS

The policy compliant requirements for Affordable Housing and a financial contribution towards education and public open space are outlined in the above appraisal section. As an outline planning application, the final figures are not known and would be calculated in accordance with established formulas once a planning application for reserved matters is approved. In this instance, the applicant has submitted a viability appraisal to demonstrate that the development would be unviable if the full contributions were paid. A nil or reduced contribution may therefore result.

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

Deliver quality housing for all

Ensure Nottingham's workforce is skilled

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 17/02244/NOUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OX2WPVLYH1C00>

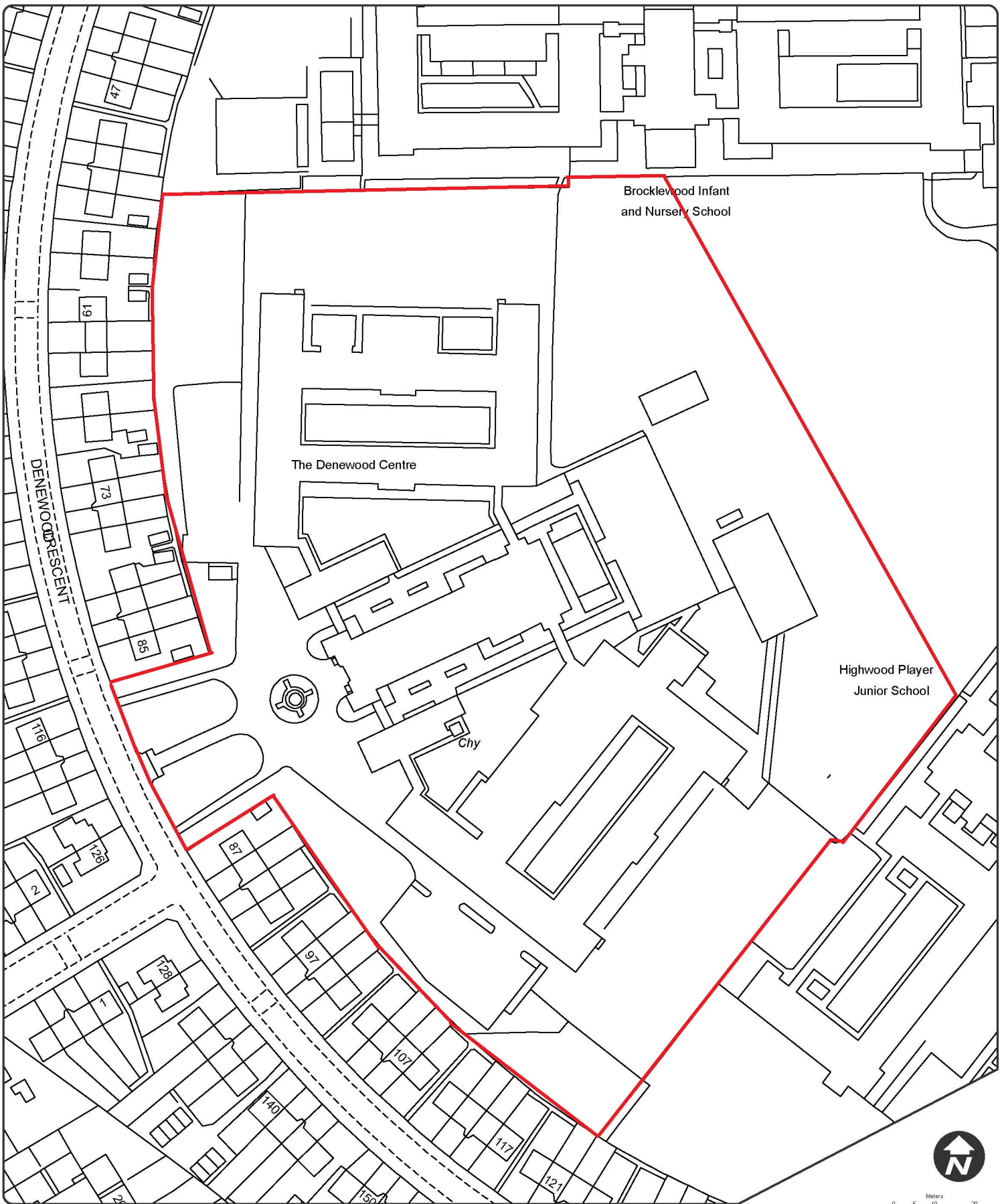
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Bates, Case Officer, Development Management.

Email: jo.bates@nottinghamcity.gov.uk. Telephone: 0115 8764041



Denewood Centre, location plan

Scale @ A4 = 1:1,250

My Ref: 17/02244/NOUT (PP-06423578)
Your Ref:
Contact: Mrs Jo Bates
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

Planning And Design Group (UK) Ltd
FAO: Mr Bob Woollard
Pure Offices
Lake View Drive
Sherwood Park
Nottingham
NG15 0DT

Date of decision:

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

Application No: 17/02244/NOUT (PP-06423578)
Application by: Nottingham City Council And Nottinghamshire County Council...
Location: Site Of Denewood Centre, Denewood Crescent, Nottingham
Proposal: Outline planning permission for residential development with all matters reserved except access.

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

Time limit

1. Application for the approval of any reserved matters (namely layout, scale, appearance and landscaping of the site) shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with Section 92 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)



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

DRAFT ONLY

Not for issue

Page 41

- 1 -

Continued...

2. The development hereby permitted shall not be commenced until an Arboricultural Method Statement prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure the protection of trees during the construction period and in accordance with the aims of Policy NE5 of the Local Plan.

3. Prior to the commencement of development a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall provide for:
- a) Details of temporary site entrances for construction traffic purposes.
 - b) Provision to accommodate all site operatives, visitors and construction vehicles loading, offloading, parking and turning within the site during the construction period.
 - c) Adequate precaution to prevent the deposit of mud and other similar debris on the adjacent public highways.
 - d) A routing agreement associated with each phase of construction. All vehicles associated with the development shall access the site in accordance with the approved routing agreement.

The Construction Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants and to accord with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.

4. The development shall not be commenced until details of the vehicular and pedestrian access onto Denewood Crescent have been submitted to and agreed in writing with the Local Planning Authority.

The access road shall then be constructed in full accordance with the approved details prior to the commencement of the development on site.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

5. Notwithstanding the submitted Flood Risk Assessment, the development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures and additional source control features, have been submitted to and approved in writing by the Local Planning Authority.

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

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



6. Prior to the commencement of the development, details of existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be completed in accordance with the approved site levels.

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

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

a) A Remediation Plan giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

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

8. No above ground development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:

a) External materials including windows, bricks, other finishes to walls and tiles;

b) Hard surfacing of all external areas;

c) Boundary treatment and enclosures to the site and individual plot boundaries;

The development shall be completed in accordance with the approved details.

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

9. No above ground development shall be commenced until, an electric vehicle charging scheme has been submitted to and be approved in writing by the Local Planning Authority.

The scheme shall include:

For Residential Development:

- 1 electric vehicle charging point per domestic unit (ie dwelling with dedicated off street parking), and,
- 1 electric vehicle charging point per 10 parking spaces (unallocated parking)

For Anticipated Future Demand:

- To prepare for increased demand in future years, appropriate cable provision shall be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

The approved scheme shall be implemented prior to the first occupation of the development.

Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

11. Prior to the commencement of development an ecological enhancement and management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

- Treatment of Japanese knotweed;
- Clearance of vegetation out of bird nesting season;
- Bat friendly lighting;
- Hedgehog friendly fencing and clearance of vegetation;
- Removal of fox den and precautionary measures for other mammals;
- Ecological enhancements including bird and bat boxes;
- A timetable for implementation and any associated management arrangements.

The ecological enhancement and management plan shall be carried out in accordance with the approved details.

Reason: In the interests of ecological enhancement and in accordance with the aims of Policy 17 of the Aligned Core Strategy and Policy NE2 and NE3 of the Nottingham Local Plan.

The development shall not be

Pre-occupation conditions

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



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

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

To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

12. Prior to first occupation of the development, verification that the approved sound insulation scheme as set out in the Environmental Noise Assessment by BSP dated January 2017 (ref 17-0030) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

13. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

14. The dwellings shall not be occupied until the following have been carried out in accordance with the details that have first been submitted to and approved in writing by the Local Planning Authority:-

- a) The internal road layout, turning areas and car parking have been hard surfaced and laid out;
- b) The site has been enclosed; and
- c) The areas of the site not to be landscaped have been surfaced.

Reason: To ensure that the appearance of the development will be satisfactory and in the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

15. The development shall not be occupied until details of the proposed bin storage and their means of enclosure have been submitted to and agreed in writing with the Local Planning Authority.

Approved bin storage shall be installed in accordance with the approved details prior to first occupation of the development.

Reason: To ensure a high quality 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)



16. In this condition "retained tree" means an existing TPO tree which is to be retained in accordance with the submitted indicative master plan; and paragraphs (a) and (b) below:

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the local planning authority

Reason: To ensure that existing TPO trees are safeguarded during construction in accordance with Policies NE4 and NE5 of the Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 2 October 2017.

Reason: To determine the scope of this permission.

Informatives

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

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

3. Environmental Noise Assessment:

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

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

4. Radon Gas Contamination



DRAFT ONLY

Not for issue

According to the Public Health England (PHE) radon inside buildings is the main source of human exposure to radiation in the UK. Their advice for residential and other properties is that the Action Level for radon concentrations should be 200 Bq m⁻³ and the Target Level should be 100 Bq m⁻³. Some parts of the Nottingham city area fall within Radon Classes 2, 3 or 4 where respectively 1% to <3%, 3% to <5% or 5% to <10% of homes are estimated to be above the Action Level. Areas where more than 1% of homes are estimated to be above the Action Level are termed Radon Affected Areas. Furthermore areas where between 1% and 10% of homes are estimated to be above the Action Level are regarded as intermediate probability radon areas.

This development site is classified as being in a Radon Affected Area (Class 3 or Class 4) and as such between 1% to <3% (Class 3) or 3% to <5% (Class 4) of residential buildings in this area are estimated to have radon levels above the Action Level of 200 Bq m⁻³.

Consequently based on Building Regulations Approved Document C, Radon - Guidance on Protective Measures for New Buildings BRE 211 (2015), and the Public Health England (website <http://www.ukradon.org/>) in order to protect the health of future residents or occupiers of this development from the adverse effects of radiation all new buildings, extensions, conversions & refurbishments:

- i. Must include basic radon protection measures as a minimum consisting of a well-installed damp-proof membrane, modified and extended to the outer layer of construction to form a radon-proof barrier across the ground floor of the building, in addition,
- ii. The domestic Action Level and Target Level should be applied to non-domestic buildings with public occupancy exceeding 2000 hours per years and also to all schools.

The Remediation Strategy must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of how gas precautions will be validated and the Verification Report must provide details of the inspection process (CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014)).

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

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

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



NB: Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

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

6. The drainage team recommend the addition of subsequent SuDS trains as part of the surface water drainage scheme for the site, this not only further reduces the flood risk to third parties, but it also provides an increase in the quality of the water in the vicinity.

7. Condition(s) **** are 'reserved matters' as defined in the Town & Country Planning (General Development Procedure) Order 1995.

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: 17/02244/NOUT (PP-06423578)

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 49

- 9 -

This page is intentionally left blank

WARDS AFFECTED: Arboretum

Item No:

PLANNING COMMITTEE
18th April 2018

REPORT OF CHIEF PLANNER

Darby House, 10 The Grove

1 SUMMARY

Application No: 18/00004/PFUL3 for planning permission

Application by: Mr Richard Croasdale

Proposal: New dwelling.

The application is brought to Committee because it raises sensitive and finely balanced heritage issues.

To meet the Council's Performance Targets this application should have been determined by 27th March 2018.

2 RECOMMENDATIONS

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

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

3 BACKGROUND

The site is located in the lengthy front garden of a three-storey dwellinghouse (Darby House) fronting Southey Street in the Forest Grove Conservation Area. Like other properties along the northern side of Southey Street, Darby House is situated to the very rear of its plot, with only a small yard area behind. Alongside the property to the northwest is The Grove, a private road that gives access to the rear of these buildings. Beyond that to the northwest is a school; to the northeast is a nursing home and to the southeast a further dwelling. The garden is fully enclosed, with brick walls to The Grove and Southey Street frontages.

4 DETAILS OF THE PROPOSAL

Planning permission is sought for the erection of a new dwelling. The new dwelling is proposed to be built along the northwestern garden wall of Darby House where it backs onto The Grove. The new house would be positioned approximately half way between the host property and the Southey Street frontage. The new building would be two storeys in height, with the upper floor accommodation mainly in the roofspace. An asymmetrical pitched roof would drop to ground floor eaves level on the garden elevation, which would be mainly glazed. Facing The Grove, the rear elevation would replace the existing boundary wall. Materials are proposed as brick and slate to match the main building. Accommodation would comprise a

conservatory/porch, a kitchen/lounge and a further reception room on the ground floor and two bedrooms on the first floor.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Ten neighbouring properties have been notified of the proposal: The Bungalow 11A and 11A The Grove; 6, 8, 41 and 43 Southey Street; 30, flat at 30, 32 Bentinck Road; 1 Lake Street. The application has also been publicised through the display of a site and press notice.

Two representations have been received. Nottingham Civic Society objects to the provision of a new building in the front garden of the original Victorian house, as this is not a traditional relationship between a principal dwelling and a coach house in this conservation area.

A neighbouring resident objects on the following grounds:

- throughout the Conservation Area Management Plan there is resistance against developments that adversely change the character and original appearance of the conservation area
- position of proposal does not preserve the building line
- preserving the gardens within the plots is outlined in the Conservation Area Management Plan and proposal would adversely affect the garden space
- proposal will diminish the biodiversity value of the plot
- impact on views of conservation area from neighbouring property
- proposed building is excessively high and will be obtrusive rather than fitting into the garden. Single storey structure would be much less so
- object to proposal to plant new trees as may restrict view and light
- demolition of wall on The Grove will reduce contribution to character and appearance of conservation area
- potential parking problems
- concern about scenario of main Darby House becoming flats as noted in application

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: No objection.

Tree Officer: 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 development that is visually attractive as a result of good architecture and appropriate landscaping.

Paragraphs 126 to 141 of the NPPF set out the government's approach to conserving and enhancing the historic environment. Of particular relevance to this application, paragraph 131 requires authorities to take into account:

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

Nottingham Local Plan (November 2005):

Policy BE12 – Conservation Areas

Policy NE5 – Trees

Aligned Core Strategies (September 2014):

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 11 – Historic Environment

Policy 17 – Biodiversity

Forest Grove Conservation Area Character Appraisal and Management Plan (2008)

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Whether the development will preserve or enhance the character or appearance of the Forest Grove Conservation Area.
- (ii) Impact on residential amenity.
- (iii) Other matters.

Issue (i) Character or appearance of the Conservation Area (Policies 10 and 11 of the ACS, Policy BE12 of the LP and Forest Grove Conservation Area Character Appraisal and Management Plan (2008) ("The Plan")

- 7.1 The Forest Grove Conservation Area Draft Character Appraisal and Management Plan was presented to Development Control Committee (now Planning Committee) in February 2008, reporting the result of consultations and recommending approval of the Plan. As a result of the consultation process, the Management Plan was amended to state that *"the Council will resist any new housing development where it would result in more than one dwelling being built within one of the original garden areas as shown on the 1862 map"*. The plan had previously been worded *"the Council will resist new housing development within these garden areas"*. The primary objection to the application quotes the draft Management Plan rather than the approved version (and it is accepted that the draft version has been displayed on the council's website). Notwithstanding this discrepancy, it is accepted that the proposal raises sensitive and finely balanced heritage issues.
- 7.2. The Plan states that *"the designation of a conservation area is not intended to prevent any new development from taking place within the area. However, it is the purpose of the Forest Grove Conservation Area Character Appraisal together with the Management Plan to inform and manage planning decisions so that new development can take place within the conservation area without harming its special character and appearance"* and that *"any new development [should make] a positive contribution to the Area"*. The Plan also seeks to *"ensure that proposals for any new development are in keeping with the character of the Area; new development will not normally be permitted unless it is sympathetic to the established character of the Area, taking into account the physical scale and form of existing development in the locality; and the impact in the wider street scene and on any existing trees"*. Policies BE12 and 11 seek to ensure that new development preserves or enhances the character or appearance of conservation areas.
- 7.3 When viewed from The Grove the building would have the appearance of an ancillary coach house, while the predominantly glazed garden side appears more reminiscent of a traditional summerhouse or orangery. The observations of the Civic Society about the relationship of the new building to the main dwelling are noted, but in this case, it is considered that the development successfully combines architectural styles to create a building that would appear appropriate in the context of both the garden to Darby House and The Grove. Coach houses and other ancillary buildings are often integrated into boundary walls, and the front garden context of the dwelling is not readily apparent when viewed from The Grove.
- 7.4 Apart from a single lime tree, the existing mature trees within the garden area would be retained and the dwelling would be set back from the Southey Road frontage

amongst the landscaping of the garden. The application does not propose any division of the garden to create separate amenity areas and this is an important factor in maintaining the ancillary appearance of the new building. A planning condition can restrict future division of the garden. The Plan allows for an additional dwelling in a garden where the special character and appearance of the conservation area is not harmed. In this case, whilst the new building is of course a new dwelling, its design and appearance is more that of a garden building. It is considered that the building is visually attractive and represents good architecture, and sits sensitively within appropriate landscaping. For these reasons, it is considered that the proposed new dwelling is sympathetic to the established character of the conservation area and accords with guidance contained in the Forest Grove Conservation Area Character Appraisal and Management Plan.

- 7.5 By being of an appropriate appearance and by using materials which match the red brick and slate of Darby House – the quality of which can be ensured by condition – the proposed building would make a positive contribution to the conservation area. On balance, then, the proposal is considered to comply with Policies 10, 11 and BE12 and the Forest Grove Conservation Area Character Appraisal and Management Plan.

Issue (ii) Impact on Residential Amenity (Policy 10 of the ACS)

- 7.6 Having regard to the design, scale, location of and outlook from the proposed development, and the relationship with the site boundaries, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook and not be detrimental to residential amenity. However, possible loss of views from private properties are not material planning considerations. The planting of new trees in a garden is the right of landowners and not part of the planning process.

Issue (iii) Other Matters (Policy 10 of the ACS and Policy NE5 of the LP)

- 7.7 It is noted that there is parking available on the private road The Grove and it is very unlikely that parking from the development would be displaced onto the public highway. The proposed work to trees is considered acceptable by the Tree Officer. The possibility stated in the application that Darby House could be converted into flats does not form part of the current application and, whilst each application is considered on its own merits, Council policy is to resist the loss of family housing.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17 of the ACS)

Given the scale of the development and the proposed enhancement of the garden, it is not considered that the proposal would be harmful to biodiversity, and the applicant's encouragement for wildlife within the garden is noted. Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. It is considered that this is sufficient to satisfy the requirements of Policy 1.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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: 18/00004/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P1YWTMLYLUW00>
2. Objection from Civic Society dated 22.02.2018
3. Objection from resident dated 19.02.2018
4. Highway comments dated 02.03.2018
5. Tree Officer comments dated 03.04.2018

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
Forest Grove Conservation Area Character Appraisal and Management Plan (2008)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.
Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076

10 The Grove, Southey Street, Nottingham, NG7 4BS



Map area bounded by: 455928,340836 456070,340978. Produced on 14 December 2017 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2017. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2b/210006/286959

My Ref: 18/00004/PFUL3 (PP-06517974)
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

Mr Richard Croasdale
10 The Grove
NOTTINGHAM
NG7 4BS

Date of decision:

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

Application No: 18/00004/PFUL3 (PP-06517974)
Application by: Mr Richard Croasdale
Location: Darby House, 10 The Grove, Nottingham
Proposal: 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.

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 the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) bricks and roof covering (in the form of samples);
 - b) joinery materials and appearance (including large-scale drawings);
 - c) eaves, fascias and soffits materials and appearance (including large-scale drawings);
 - d) glazing, windows and frames (including large-scale drawings).The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 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.



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

DRAFT ONLY
Not for issue

Page 58

Continued...

Regulatory/ongoing conditions

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

3. 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), no fences, gates or walls shall be erected within the curtilage of Darby House, 10 The Grove as identified by the red line in the submitted planning application.

Reason: In the interests of the character and appearance of the Forest Grove Conservation Area in accordance with Policy BE12 of the Local Plan and Policy 11 of the Aligned Core Strategies.

4. 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), the dwelling shall not be enlarged nor shall a garage/car port or porch be erected without the prior express permission of the Local Planning Authority.

Reason: To ensure that the appearance of the development remains acceptable and in the interests of the character and appearance of the Forest Grove Conservation Area in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategies.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 30 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.

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: 18/00004/PFUL3 (PP-06517974)

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 60

- 3 -