

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

The White House, Beech Avenue

1 SUMMARY

Application No: 14/00712/PFUL3 for planning permission

Application by: Zenith Planning And Design on behalf of White House Ltd

Proposal: Conversion to 48 apartments and alterations.

The application is brought to Committee because it is a major application with complex Section 106 requirements.

To meet the Council's Performance Targets this application should have been determined by 5th August 2014.

2 RECOMMENDATION

2.1 GRANT PLANNING PREMISSION subject to:

- (a) Prior completion of a Section 106 planning obligation which shall include:
- (i) A financial contribution for the provision or improvement of open space or public realm;
 - (ii) A contribution toward the provision of skills training and local employment;
 - (iii) A financial contribution toward the provision of off-site affordable housing, to be made in the event of sales of the proposed flats exceeding an agreed amount.

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

Power to determine the final details of both the terms of the planning obligation and conditions of the planning permission be delegated to the Head of Development Management.

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

3 BACKGROUND

- 3.1 The application relates to a large, three storey, former Lace Factory on the south

side of Beech Avenue. The building was vacated as a factory a number of years ago and more recently the property has been partly used as offices and for training purposes. The building is currently vacant and has been marketed for some time.

- 3.2 The surrounding area is mixed in character. The White House is adjoined to the west by Maville House which was also a Lace Factory and is also now vacant. To the west and northwest of the site, the area comprises of mainly industrial premises. To the north and south of the site, the area is residential in character with Victorian terraced houses to the south and modern houses and bungalows to the north. To the east and southeast the site is adjoined by a shoe retailer.

4 DETAILS OF THE PROPOSAL

- 4.1 Conversion of the building to 48 apartments. Each of the three floors would comprise fourteen 2-bed and two 1-bed flats making a total of forty-two 2-bed and six 1-bed flats. Each flat would be on two levels, utilising the high floor-to-ceiling levels of the existing factory building to provide a first floor for bedrooms. In order not to impact on the full height window openings, the new floors would be set back behind the window reveal with a glass balustrade. Entrance to the flats would be via existing stair cores, two to the front of the building and one to the east side. A new single-storey, glazed entrance would be built adjacent to the westernmost of these entrances.
- 4.2 Externally, the existing wall is to be removed to open up the site and block paving, parking and tree planting provided to the front of the building. Further parking would be provided at the rear of the building, making a total of 48 spaces, one for each flat.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Thirty-five letters of notification have been sent to neighbouring residents. Letters have been sent to:

Flats 1 - 15, The Mews, 179 - 191 Gladstone Street; 108 and 131 Gawthorne Street; 78, 82, 84 and United Footwear, Beech Avenue; Maville Works.

The application has also been advertised by site notices and a press advert. No responses have been received.

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: No objection

6 RELEVANT POLICIES AND GUIDANCE

The National Planning Policy Framework (2012) (NPPF)

- 6.1 The National Planning Policy Framework sets out the Government's planning policies. While planning applications still need to be determined in accordance with

the development plan, the NPPF is a material consideration in the assessment of this application.

- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 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.
- 6.4 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.5 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Nottingham Aligned Core Strategy (ACS) (September 2014)

- 6.6 The Nottingham City Core Strategy was formally adopted by the council on 8 September 2014. The following policies are considered relevant:

Policy 4 - Employment Provision and Economic Development

Policy 7 – Regeneration

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Nottingham Local Plan (LP) (November 2005)

- 6.7 The following Policies have been saved and are considered to be relevant to assessment of the application. The Policies are considered to be consistent with the NPPF and therefore should be accorded full weight in the decision making process.

ST1 - Sustainable Communities.

E4 - Previously-used Employment Sites.

H2 - Density.

T3 - Car, Cycle and Servicing Parking.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Layout, Design and Quality of Accommodation

Issue (i) Principle of Development (NPPF, ACS Policies 4 and 7, LP Policies ST1 and E4)

- 7.1 The application premises have been vacant for some time and it is accepted that a mill building of this type is not attractive to modern businesses and is poorly located for such a use. The adjacent Maville House (a similar building) has been subject to a notification made under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, which allows a change of use from Offices (Class B1a) to Dwellinghouse (Class C3) subject to certain criteria. It was accepted that a prior approval was not required for that change and in principle the same could apply to the White House. It is considered, then, that a residential conversion is acceptable. The proposal accords with the relevant planning policies and guidance.

Issue (ii) Layout, Design and Quality of Accommodation (NPPF, ACS Policies 8 and 10, LP Policy H2)

- 7.2 The majority of the proposed flats are two-bedroom (plus a study room) and are approximately 86 square metres with an acceptable layout and light. The quality of the accommodation and the density of development are acceptable and the proposal accords with the relevant planning policies and guidance.
- 7.3 The design of the new glazed entrance is an appropriate contemporary feature which would not detract from the appeal of this mill building and would provide an entrance focus. The new floors have been designed to avoid affecting the high windows, a design approach which is welcomed.
- 7.4 New tree planting is proposed along the Beech Avenue boundary and together with the removal of the existing boundary wall would improve the street scene. Bin storage is provided adjacent to the site entrance. The proposal accords with the relevant planning policies and guidance.

Other Matters

- 7.5 A financial contribution for off-site open space, training and employment and an affordable housing contribution would normally be required as a planning obligation through a S106 Agreement. The applicant has submitted a viability statement which demonstrates that the scheme would not be viable if an affordable housing contribution in line with policy guidance on the amount of contribution for a development of this size were followed and required. In the circumstances to ensure the development remains viable it is proposed that the S106 obligation concerning this contribution is made subject to a threshold sale price of the flats to be negotiated and agreed with the Head of Development Management.

7.6 The site is relatively close to public transport routes on Sherwood Rise and a parking provision at 100% is considered to be acceptable, complying with the relevant planning policies and guidance.

8. SUSTAINABILITY / BIODIVERSITY

8. A minimum of 10% of the building's energy requirements should come from renewable sources and an Energy Report submitted with the application recommends the use of solar PV panels on the roof of the building. The proposal accords with the relevant planning policies and guidance.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: would provide good quality and sustainable residential development.

Safer Nottingham: would help provide 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: 14/00712/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N2XKXVLYCB000>

17 Published documents referred to in compiling this report

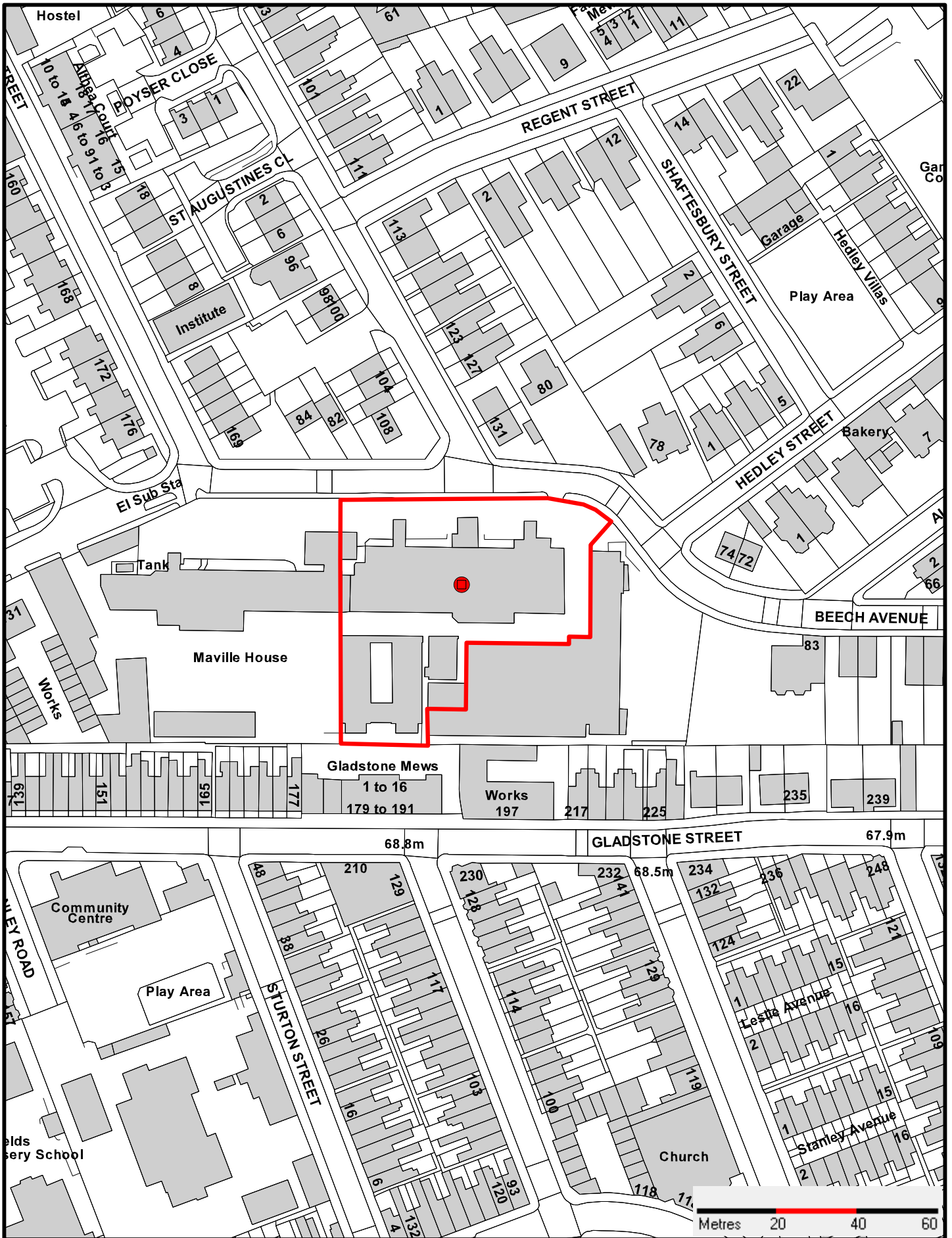
National Planning Policy Framework
The Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core

Strategies (September 2014)
Nottingham Local Plan (November 2005)

Contact Officer:

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Nottingham
City Council

My Ref: 14/00712/PFUL3 (PP-03275010)
Your Ref:
Contact: Mr Phil Shaw
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**Nottingham
City Council**

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Zenith Planning And Design
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NG16 3DG

Date of decision:

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

Application No: 14/00712/PFUL3 (PP-03275010)
Application by: White House Ltd
Location: The White House, Beech Avenue, Nottingham
Proposal: Conversion to 48 apartments and alterations.

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 external materials of the new glazed front entrance have been submitted to and approved in writing by the Local Planning Authority.

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

3. The development shall not be commenced until details of the surfacing of the parking area in front of the building have been submitted to and approved in writing by the Local Planning Authority.

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



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Not for issue

Continued...

4. The development shall not be commenced until details of plans for the disposal of surface water, incorporating sustainable drainage systems, and foul sewage have been submitted to and approved in writing by the Local Planning Authority. Surface water run off should be reduced by 30% (or as close to 30% as is reasonably possible), relative to the site's previous use.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem in accordance with Policies BE4 and NE10 of the Local Plan.

5. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, and a management and maintenance plan for these areas have been submitted to and approved in writing by the Local Planning Authority. The scheme should include native species.

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

6. The development shall not be commenced until details of a scheme for the provision of at least 10% of the development's energy requirements from renewable sources has been submitted to and approved in writing by the Local Planning Authority.

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

Pre-occupation conditions

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

7. No dwelling shall be occupied until the car parking, turning and servicing areas associated with that plot have been completed.

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

8. No dwelling shall not be occupied until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem 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)

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

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

Standard condition- scope of permission



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Continued...

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference 13149_04_E revision R7 dated 24 May 2014, received 24 June 2014
Drawing reference 13149_06_S revision R7 dated 24 May 2014, received 24 June 2014

Reason: To determine the scope of this permission.

Informatives

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

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

3. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

To carry out the off-site works (add basic description and location) 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.

To discuss TRO requirements and implementation the applicant is to contact Scott Harrison on 0115 8765245. All associated costs will be borne by the applicant.

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

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)
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 Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

5. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail address.management@nottinghamcity.gov.uk; telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

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: 14/00712/PFUL3 (PP-03275010)

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.