

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

The Old Peacock Public House , Ilkeston Road

1 SUMMARY

Application No: 14/01735/PFUL3 for planning permission

Application by: Zenith Planning And Design on behalf of Mr Habib Ali

Proposal: Conversion and extensions to create student accommodation (revised scheme).

The application is brought to Committee because it is a major development and is a revised scheme from one previously approved by Committee.

To meet the Council's Performance Targets this application should be determined by 20th October 2014.

2 RECOMMENDATIONS

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 student management agreement including a restriction on car ownership.

(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 site is situated at the corner of Ilkeston Road and Blooms Grove Street. The property comprises the Old Peacock Public House, a three storey building which dates back to the 1870s but was extended and the ground floor

altered sometime in the mid 20th century. The property is currently vacant. The ground floor was previously used as licensed premises with the remainder of the building being in some form of ancillary residential use. The property has frontages to both Ilkeston Road and Blooms Grove Street, which is a cul de sac.

- 3.2 The surrounding area is mixed in character. The site is bounded to the west and north by a Family Contact Centre which is accessed from Garden Street. To the west of Garden Street lies the Radford Mill complex and the Blooms Grove Industrial Estate. To the east and north are residential properties accessed from Roland Street and Wolsey Avenue. The site lies directly opposite the Ilkeston Road local shopping centre which comprises a mix of small shops, hot food takeaways, and offices.
- 3.3 Planning permission was granted in May 2013 (ref 13/00430/PFUL3) for the conversion of the property and extensions to create student accommodation in seven self contained units with a total of 45 bedspaces, with a student accommodation/management/letting office on the ground floor. This involved the conversion of the existing public house, the construction of a 2 storey extension above the existing single storey wing on the Ilkeston Road frontage and the addition of 3 storey extension on the western end of this, and the construction of a new 3 storey wing to the north of the existing building. Work has commenced on the rear wing element but it is not yet complete.
- 3.4 A revised application was submitted for the conversion of the existing building and the front wing in March 2014 (ref 14/00677/PFUL3) but this was withdrawn as a result of concerns about design and external appearance.

4 DETAILS OF THE PROPOSAL

It is proposed that the single storey front wing be demolished and replaced with a new four storey wing facing Ilkeston Road. This will contain an 8 bedroomed cluster flat on each floor with a further 5 bedroomed cluster flat in the roofspace. The original public house will be converted to 8 studios and a letting office suite (24sq m on the ground floor). As a result of the revised proposals the total number of bedspaces in the whole development would increase from 45 to 56.

The footprint and height of the proposed extension are the same as the previously approved scheme. The existing window pattern of the public house is replicated, the roof is hipped with slate tiles and the materials for the elevations comprise buff brick to match the existing ground floor extension to the pub, with render above. A full height glazed atrium forms the link between the original and proposed elements facing Ilkeston Road. This would be the main entrance into the building. A new aluminium shop front is proposed to the lettings office / management suite on the ground floor of the converted public house.

As in the previously approved scheme a rear courtyard is proposed which will be paved with seating and planting provided. No car parking is proposed within the development and cycle parking will be provided within the secure courtyard along with bin storage. The previously approved scheme included one car parking space in the courtyard area accessed by an archway from Ilkeston Road but this has now been omitted.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

91, 93A, 93-95, 95A, 97, 97A, 98A,99, 99A, 101, 103, 103A, 105, 107, 109, 111, 111A Ilkeston Road, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 Clayton Court, 54 Albert Grove, Family Contact Centre, Garden Street.

The application has also been advertised by a site notice and a press notice. The overall consultation period expires on 3rd September 2014. No comments have been received and any subsequent responses received will be reported to Committee.

Additional consultation letters sent to:

Pollution Control: Request the submission of a noise assessment and sound insulation scheme.

Highways: No objection subject to conditions regarding the construction period, provision of cycle parking, removal of redundant crossings and surface water drainage. Also refer to the proposals by Traffic Management to implement a resident's car parking scheme in the adjacent area and that very limited car parking would therefore be available for students. It is suggested that the applicant should bear costs associated with a making of a Traffic Regulation Order.

Tree Officer: No objections.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

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.

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 taking 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 encourage the effective use of land that has been previously developed.

Nottingham Local Plan (November 2005):

H6 - Student Housing

NE5 – Trees

NE10 – Water Quality and Flood Protection

R2 - Open Space in New Development

ST1 - Sustainable Communities

S5 - Retail development, Edge/Outside Centres.

T3 - Car, Cycle and Servicing Parking

Building Balanced Communities Supplementary Planning Document

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

Aligned Core Strategy (ACS) (8 September 2014)

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

Policy 1 Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 14 –Managing Travel Demand

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of student accommodation in this location;
- (ii) Design and external appearance of the extensions and alterations to the existing building;
- (iii) Residential environment for future occupants and impact upon neighbouring occupiers;
- (iv) Impact on the highway network.

(i) Principle of student accommodation in this location (Local Plan policy ST1, H6 and the Building Balanced Communities SPD)

- 7.1 In this instance the principle of student accommodation on this site has already been established by the granting of planning permission in 2013 and the rear part of this is currently under construction. This would provide a total of 45 bedspaces. The revised scheme now under consideration would result in the creation of 11 extra bedspaces providing a total of 56 bedspaces on the entire site, of which 8 would be in studio accommodation falling within Class C3. It is not considered that the creation of 11 extra bedspaces is significant in the context of the BBC SPD and that the revised proposal accords with this and Policies ST1 and H6.

(ii) Design and external appearance of the extension and alterations to the

existing building (ACS policy 10)

- 7.2 Approval has already been given to a three storey wing at the side of the original public house which was primarily in the form of adding two new floors above the existing single storey wing on the Ilkeston Road frontage. The extension now proposed involves the demolition of the existing single storey wing which was added in the 1950s and its replacement with a 3 storey extension, with an additional floor of rooms in the roofspace which would be served by rooflights. The extension is approximately the same height and size as that previously approved. It is now no longer proposed to retain a vehicle access to the courtyard at the rear through an archway at the western end of the site. A glazed atrium will provide the main entrance to the building and act as a link between the old and new elements of the building. The new roof will be slate to match the existing and the window details and materials of the extension reflect those of the existing building.
- 7.3 The design of the extension is considered to be an acceptable variation from the previously approved scheme that appropriately reflects the character and appearance of the existing building. The development accords with Local Plan policy BE3 and ACS policy 10.

(iii) Residential environment for future occupants and impact upon neighbouring occupiers (Local Plan policies H6 and NE9 and ACS policy 10)

- 7.4 The proposed internal layout of the student accommodation makes effective use of the floorspace. Overall, the scheme provides a good standard of accommodation with all study bedrooms and studios having a reasonable outlook and acceptable space standards. The communal kitchen/dining/living areas vary in size and location and again are considered to provide an appropriate standard of provision. Noise assessment and sound insulation conditions are recommended.
- 7.5 A student management agreement is to be provided as part of the S106 planning obligation. Amongst other aspects, the terms of this agreement aims to ensure that no noise, disturbance, or nuisance shall affect neighbouring occupiers and that a point of contact is provided for the reporting of any disturbances caused by occupiers of the development.
- 7.6 To the north and west of the Old Peacock Public House is a family contact centre. Children and young people, along with their families and carers, use the centre for contact which can be of a sensitive nature and requires close supervision. As a result of this there have been previously identified concerns about the possibility of the student accommodation overlooking this site. There are a number of study bedroom windows in the proposed extension which could potentially overlook the family contact centre and to avoid this, the windows in study bedrooms have been angled away.
- 7.7 Overall, it is considered that the scheme will provide an acceptable environment for the future occupiers and that it would not give rise to any significant additional impact to the amenities of nearby occupiers, particularly in view of the current public house use and the location of the site on a main arterial route. It therefore satisfies Local Plan policies BE2, BE3, H6 and NE9 and ACS policy 10.

(iv) Impact on the highway network (Local Plan policies H6 and T3 and ACS policy 14)

- 7.8 There is unrestricted off street car parking within close vicinity of the site which could potentially be used by students. However, it is proposed that the student management plan, which will form part of the Section 106 planning obligation, will require that the occupiers of the development shall not keep or use a motor vehicle. Taking into account this and the extant permission it is not therefore considered necessary to require the applicant to contribute towards the making of Traffic Regulation Orders to implement a resident's car parking scheme in the vicinity. Local Plan policy H6 and ACS policy 14 are satisfied.
- 7.9 The issues raised by Highways are addressed either by condition or informative with the exception of the recommendation of the submission of a construction management plan, which, as previously, is not considered necessary for a development of this scale in this location. Local Plan policies BE2 and T3 are therefore satisfied.

Other matters (Local Plan policies R2 and NE5)

- 7.10 In accordance with policy R2 and the Planning Guidance for the Provision of Open Space within Developments SPG, the Section 106 planning obligation is to secure a financial contribution of £14898.05 towards the upgrade or improvement of offsite open space or public realm which would result in an overall contribution of £22,545.40 for the whole development.
- 7.11 There are a number of trees within the grounds of the Family Contact Centre which are close to the boundary with the application site. These provide a valuable function in screening the gable wall of the proposed building. The Tree Officer is satisfied that these will not be adversely affected by the proposal and Local Plan policy NE5 is therefore satisfied.

8. SUSTAINABILITY

- 8.1 An Energy Statement has been submitted with the application which proposes to achieve the 10% reduction in carbon emissions either through the installation of PV panels on the south facing slope of the new block at the rear of the site or through a combined heat and power unit which could be installed within the cellar of the building. Subject to planning conditions requiring the provision of further details and implementation of the scheme, it is considered that the proposed measures accord with Local Plan policy BE4.

9 FINANCIAL IMPLICATIONS

A financial contribution is to be made in accordance with the Open Space Supplementary Planning Guidance.

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: bringing a vacant building back into use and providing student accommodation in an appropriate location that will help to release pressure on the traditional housing stock within the area.

Safer Nottingham – The proposal would assist community safety by increasing natural surveillance in this busy location and providing main frontage access.

14 CRIME AND DISORDER ACT IMPLICATIONS

Occupation of the unit would deter vandalism and improve surveillance of the street.

15 VALUE FOR MONEY

None.

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

1. Application No: 14/01735/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N92C7ALYCB000>

Email dated 08.08.2014 from Noise and Pollution Control

Observations from Highways dated 06.08.2014

Email dated 01.09.2014 from Tree Officer

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

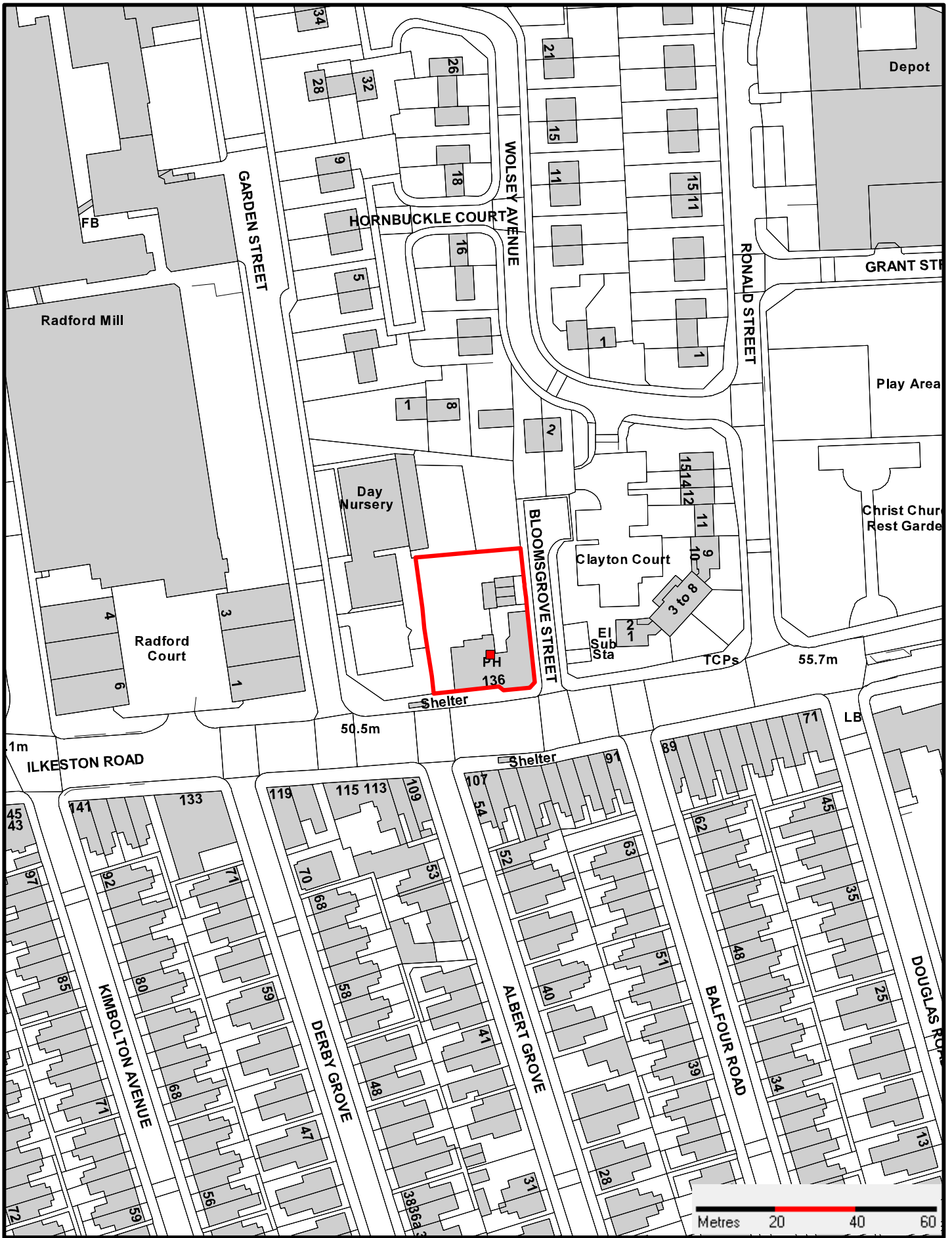
The Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies (2014)

National Planning Policy Framework

Contact Officer:

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Nottingham
City Council

My Ref: 14/01735/PFUL3 (PP-03545311)
Your Ref:
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**Nottingham
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Date of decision:

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

Application No: 14/01735/PFUL3 (PP-03545311)
Application by: Mr Habib Ali
Location: The Old Peacock , Ilkeston Road, Nottingham
Proposal: Conversion and extensions to create student accommodation (revised scheme).

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. Prior to the commencement of development an environmental noise assessment and details of sound insulation and acoustic ventilation measures, designed to protect residential occupiers of the development from noise, shall be submitted to and approved in writing by the Local Planning Authority. The noise assessment shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. The noise assessment shall be suitable and sufficient, take account for noise in the street and shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating.

The submission shall include 1/3rd octave band analysis, all assumptions made (e.g. glazing and façade areas) and be designed to achieve the following internal noise levels:

i. Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.

ii. Not more than 45dB L_{Amax} (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

Where noticeable low frequency noise is present the submission shall also be designed to achieve the following internal noise levels:

i. Not exceeding NR 30 for living rooms between the hours of 07.00 and 23.00;

ii. Not exceeding NR 25 bedrooms between the hours of 23.00 and 07.00.

Reason: To ensure that the occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.

3. The development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures, 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 NE10 of the Local Plan.

4. Notwithstanding the details shown on the submitted plans the development shall not be commenced until details of all materials have been submitted to and approved in writing by the Local Planning Authority.

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

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

5. The alterations to the property's ground floor frontage shall not be built other than of materials to match those of the existing building or of other materials which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

6. Notwithstanding the details provided in the submitted Energy Statement and prior to the commencement of the development, a detailed scheme identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of an on site renewable energy supply shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and machinery to be provided in this regard and where and how this is to be installed on the building.

Reason: To provide 10% of energy by renewable means in accordance with Policy 10 of the Aligned Core Strategies.

7. The courtyard area shall not be laid out until details of the treatment of the courtyard area, including surfacing and landscaping, have been submitted to and approved by the Local Planning Authority.

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

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

Pre-occupation conditions

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

8. The development shall not be occupied until the approved renewable/low carbon energy scheme has been installed. Once the development is occupied the scheme shall be permanently retained and maintained and shall continue to provide energy for the development for as long as it remains.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policy 10 of the Aligned Core Strategies.

9. The occupation of the student accommodation shall not be commenced until the approved sound insulation and complementary acoustical ventilation measures have been installed.

Reason: To ensure that the occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.

10. Prior to the first occupation of the building a detailed CCTV and lighting scheme shall be implemented in accordance with details that shall first have been submitted to and approved and in writing by the Local Planning Authority.

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

11. Prior to the first occupation of the building details of the appearance of the bin and cycle stores shall be submitted to and approved in writing by the Local Planning Authority. The approved bin and cycle stores shall be installed prior to the first occupation of the building.

Reason: To ensure suitable facilities are provided on site in relation to bin storage and cycle stores and in accordance Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategies.

Regulatory/ongoing conditions

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



There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 21 July 2014.

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. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

4. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it from occurring.

5. As the proposal includes works adjacent to the highway, the Highways Network Management Team at Loxley House should be notified regarding when the works will be carried out as disturbance to the highway will occur. Please contact them on 0115 876 5238 at the earliest convenience.

6. The development makes it necessary to reinstate a footway which is a part of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are therefore required to contact Mike Tellman of the City Council's Highway Network Management Team on 01158765238 to arrange for these works to be carried out. All costs shall be borne by the applicant.

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: 14/01735/PFUL3 (PP-03545311)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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DRAFT ONLY
Not for issue