

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Former Industrial Site to West of Car Park Oak Street

1 SUMMARY

Application No: 13/02143/PFUL3 for planning permission

Application by: Henry Mein Partnership on behalf of J S Associates

Proposal: 5 new dwellings following demolition of existing buildings.

The application is brought to Planning Committee as the application is considered to be sensitive given the level of public interest.

To meet the Council's Performance Targets this application should have been determined by 16th January 2014

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions substantially in the form 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 Head of Development Management and Regeneration.

3 BACKGROUND

3.1 The application site currently houses a collection of buildings arranged in a U formation in an enclosed location. The buildings are now vacant but were last in use as offices/light industry.

3.2 Access to the site from the public highway is dealt with at paragraph 7.3 below.

3.3 The site comprises land that is to the east of Wesley Grove, which consists of two facing terraces separated by a pedestrian access. 17 Wesley Grove is attached to the west building within the application site. To the north of the site and adjoining the northeast corner of the site there is an end of terrace property which has commercial outbuildings to the rear. To the north of the site are the residential properties of Sherbrooke Terrace, the rear gardens of which form the northern boundary of the site. The rear elevations of this terrace, and of 34 Sherbrooke Road, face the site. Wesley Grove, which consists of two facing terraces separated by a pedestrian access, is to the west of the site. To the south of the site is a new recently completed care home, Acorn House, on the site of the former Laird House.

4 DETAILS OF THE PROPOSAL

4.1 Erection of 5 three storey dwellings, in the form of a pair of semi-detached dwellings and a terrace of 3. They would be located to the north of the site, with front

elevations facing south. Each would have three bedrooms, with accommodation in the roof served by a dormer window in the front elevation. Car parking would be in a shared area to the front of the dwellings, accessed from the right of way linking to the public highway onto Oak Street.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

17 Wesley Grove
Builders yard rear of 21, 21a, and 21b, Loscoe Road
9, 11, Stag Knitwear, Laird Paper, and unit 3 adjacent 21, Oak Street
34 and 34a Sherbrooke Road
1, 2, 3 and 4 Sherbrooke Terrace

A site notice was posted on 24.10.13.

Two responses have been received in response to consultation, expressing concern about noise during construction (following on from the construction of Acorn House) and to boundary treatments following demolition of the building adjacent to 17 Wesley Terrace, which the objector feels would be on their land, (this has been checked and the drawings show that the fence will be within the application site, in the same position as the side wall of the demolished building) and objecting to the proposal unless historical warehouse retained and converted to dwellings. The proposal would also increase traffic on Oak Street and Jenner Street.

Comments have also been received from nearby residents as a result of Councillor consultation (16 letters). Issues raised include request to rent one of the dwellings once built, access behind properties on Loscoe Road being used as a toilet and dumping ground (these properties are not directly adjacent to the application site), noise from children using the road as a play park, parking problems, protection of children from harm and public nuisance (no explanation given), tenants need to be vetted since they will be near a school and care home, noise from tenants at night, loss of trees (note: there are no trees within the site), overdevelopment as new care home built adjacent. Five of the letters were not against the development, and two were but no reasons or concerns were given. Only two of the respondents directly faced or abutted the site.

Aside from issues relating to parking, noise, retention of buildings and trees, the majority of the concerns above are not planning matters that can be addressed as part of the application.

Additional consultation letters sent to:

Pollution Control: Recommend conditions relating to ground contamination and removal of asbestos buildings.

Highways: No objection subject to satisfactory access across the adjoining land, including a lit footway, being provided across the adjoining land prior to link the site to the public highway.

Others: Tree Officer comments that although there are three trees on the adjacent land, they would not be at risk from the development within the site.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

The National Planning Policy Framework (NPPF) (Paragraph 50) seeks to widen opportunities for home ownership, create sustainable, inclusive and mixed communities, and provide an appropriate range of housing to meet needs.

Paragraph 56 of the NPPF emphasises the importance of good design as a key aspect of sustainable development, being indivisible from good planning, and contributing positively to making places better for people.

Paragraph 58 of the NPPF seeks to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities

H2 - Density

BE2 - Layout and Community Safety

BE3 - Building Design

T3 - Car, Cycle and Servicing Parking

NE9 - Pollution

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development, including housing density
- ii) Access and Layout
- iii) Building design
- iv) Impact on neighbours

Issue i) Principle of Development and Housing Density (Policies ST1 and H2)

- 7.1 Although the application site is not identified as having a specific allocation in the Local Plan, it is surrounded by housing to the north, west and east, and along with the recently completed care home to the south, the principle of residential development on this site is considered to be acceptable.
- 7.2 The type of accommodation on offer, three bedroom family housing, and the amount of development, would satisfy the criteria of policies ST1 and H2 in that it would contribute to maintaining and enhancing a sustainable community. The dwellings have an acceptable standard of living accommodation, and are within short distance of a well served public transport route and to facilities such as

primary schools, shops and health facilities. The density of development is compatible with the characteristics of the surrounding area, where terraced housing is predominant.

Issue ii) Access and Layout (Policies BE2, T3 and NPPF para 58)

- 7.3 The public highway from which access to the site is gained is Oak Street, which is a continuation of Loscoe Road to the North and Jenner Street to the South. Access to the site is by virtue of a private right of way across the Council owned land between the site and Oak Street. A partial right of way was granted by the City Council in a deed in 1980. The remaining right of way has been established by 20 years continuous uninterrupted use. The City Council has no objection to formalising this remaining right of way by entering into a further deed. However it is considered that a number of minor improvements are necessary to provide satisfactory vehicle and pedestrian access to the new dwellings, including a 2m wide continuous footpath to the development from the public highway, surfacing improvements and lighting across the car park. As these improvements and the grant of a further deed concern land outside the control of the applicant it is proposed to secure these by 'Grampian' style condition. The Grampian style conditions can be complied with within a reasonable period.
- 7.4 A total of five parking spaces are to be provided in a parking area to the front of the houses. Whilst in-curtilage car parking is usually preferable, the proposed layout allows for a built form that follows the terraced pattern of surrounding development and is considered to be appropriate in this location. Improvements to the layout have been negotiated, to allocate part of the front of the site to be the front garden of Plot 1 and introduce additional landscaping, to soften the appearance of the development.

Issue iii) Building Design (Policy BE3 and NPPF para 56)

- 7.5 The dwellings would be built of traditional materials i.e. brick and tile, although the front elevations would also have areas of render and Cedar boarding to the cantilevered bay windows. In this respect the development would have its own identity complementing the existing housing stock which is predominately Victorian terracing. The dwellings all have habitable room windows facing onto the street, which would help to promote casual surveillance of the site, enhancing community safety, crime prevention and street activity.
- 7.6 Bin storage to each dwelling would be to the rear gardens. A bin collection area would be provided adjacent to the access into the site in order that refuse collection vehicles can access the bins without having to enter or turn within the site.

Issue iv) Impact on Neighbours (Policy BE3)

- 7.7 The layout of the development means that the dwellings would roughly follow the building line of the terrace on Wesley Grove, to the west. The proposed dwellings would provide separation distances with existing neighbouring properties that are compatible with those generally found in the surrounding area. As such, it is considered that the development will have an acceptable impact on neighbours in terms of outlook, privacy and daylight.
- 7.8 1.8m close boarded timber fencing is proposed to enclose the rear gardens and would provide a secure boundary to the adjoining residential properties.

Other matters (Policy NE9)

- 7.9 Concerns have been raised regarding the potential for noise nuisance during the construction of the development.
- 7.10 A concern has been raised regarding the loss of the historic buildings. The buildings are not listed and are not considered to be of any particular architectural merit.

8. SUSTAINABILITY / BIODIVERSITY

The site is currently fully hard surfaced where not covered by buildings. The proposed development would allow for landscaping to be introduced, which would contribute to enhancing biodiversity in the area, and a sustainable drainage scheme is to be secured by condition.

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: the development would provide a quality and sustainable residential development.

Safer Nottingham: the development 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: 13/02143/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MSNFZYLYCB000>

2. Noise and Pollution Control email dated 31st October 2013

3. Highways comments email dated 3rd January 2014

17 Published documents referred to in compiling this report

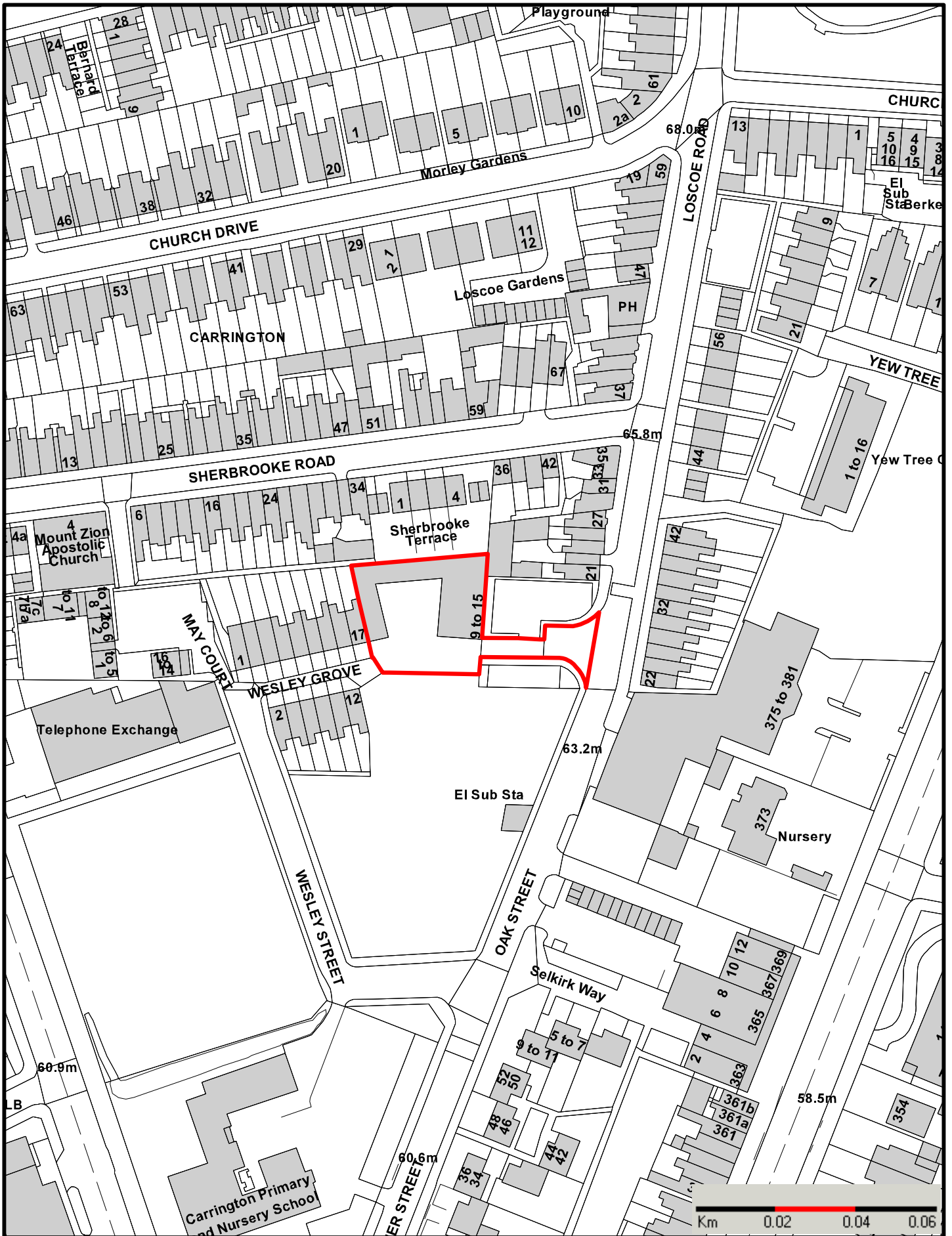
Nottingham Local Plan (November 2005)

National Planning Policy Framework

Contact Officer:

Mrs S. Davis, Case Officer, Development Management.

Email: sue.davis@nottinghamcity.gov.uk. Telephone: 0115 8764046



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Nottingham
City Council

My Ref: 13/02143/PFUL3 (PP-02607520)
Your Ref:
Contact: Mrs S. Davis
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

Henry Mein Partnership
FAO: Mr James Bird
12 Clarendon Street
Nottingham
NG1 5HQ

Date of decision:

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

Application No: 13/02143/PFUL3 (PP-02607520)
Application by: J S Associates
Location: Former Industrial Site To West Of Car Park, Oak Street, Carrington
Proposal: 5 new dwellings following demolition of existing buildings.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.

3. The development shall not be commenced until details of all areas of the site to be hard landscaped, including the proposed parking areas and access road, have been submitted to and approved in writing by the Local Planning Authority. The proposed hard surfaces shall be of permeable design.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.

4. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of any proposed trees and shrubs, along with a schedule of maintenance have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the appearance of the development be satisfactory to comply with Policy BE3 of the Nottingham Local Plan.

5. The development hereby permitted shall not be begun until details of arrangements for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The details shall incorporate sustainable drainage measures designed to minimise surface water run off to the public sewer.

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

6. The development shall not be commenced until a detailed scheme to deal with contamination of the site, which shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed have been submitted to and approved in writing by the Local Planning Authority. In particular the scheme shall include:
- i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation
 - ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found
 - iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
 - iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

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

7. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the LPA. The approved statement shall be adhered to throughout the construction period and shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) Wheel washing facilities.
- e) Measures to control the emission of dust and dirt during construction.

Reason: In the interests of highway safety in accordance with Policy BE2 of the Nottingham Local Plan.



<p>Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)</p>
<p>8. The dwellings hereby permitted shall not be occupied until the access road serving the site has been improved through the construction of a 2m wide public footpath of tarmacadam or similar hard surface, to adoptable standards, from the boundary of the existing industrial premises to the public highway in Oak Street, and the provision of lighting to the access road.</p> <p><i>Reason: In the interests of highway safety in accordance with Policy BE2 of the Nottingham Local Plan.</i></p>
<p>9. The dwellings shall not be occupied until the car parking and servicing areas have been completed.</p> <p><i>Reason: In the interests of highway safety to comply with Policy BE2 of the Nottingham Local Plan.</i></p>
<p>10. The dwellings shall not be occupied until the boundary enclosures have been erected in accordance with the details approved by the Local Planning Authority.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.</i></p>
<p>11. The dwellings shall not be occupied until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.</p> <p><i>Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.</i></p>
<p>12. No dwelling shall be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of public health and safety to comply with Policy NE12 of the Nottingham Local Plan.</i></p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>
<p>13. 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.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.</i></p>
<p>Standard condition- scope of permission</p>
<p>S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other</p>

documents comprising the application as validated by the council on 21 November 2013.

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. 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 strongly recommended 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 will be expected to provide at his own expense such evidence as is required to indicate clearly that the problem 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: 13/02143/PFUL3 (PP-02607520)

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.