

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Former Premier Pump And Tank Co Ltd, Daybrook Street

1 SUMMARY

Application No: 15/01644/PFUL3 for planning permission

Application by: Pelham Architects on behalf of Waters Homes

Proposal: 11 new dwellings and associated works.

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

To meet the Council's Performance Targets this application should be determined by 23rd September 2015.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions 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 Head of Development Management and Regeneration.

3 BACKGROUND

3.1 The Premier Pump and Tank Co is a former employment unit, located on the north side of Daybrook Street. The buildings have been demolished and the site has been cleared. There are residential properties to the east on Daybrook Street and Kensington Court. Commercial properties are to the rear of the site on Newstead Street. There is a pub opposite on Daybrook Street, which fronts onto Mansfield Road. The site is located within the boundary of the Sherwood District Shopping Centre but is also defined as being part of the primarily residential area to the west.

4 PLANNING HISTORY

4.1 Planning permission was granted in 2006 for the erection of 8 three bed townhouses and 3 two bed apartments (06/01249/PFUL3). An outline permission was granted in 2009 for residential development (09/02706/POUT) and then renewed in 2012 ((12/03496/POUT).

5 DETAILS OF THE PROPOSAL

5.1 Planning permission is sought for 8 houses and 3 apartments. Facing Daybrook Street would be 2 two-bed, two-storey houses and a three-storey building housing 3 two-bed apartments. A driveway would enter the site along its eastern boundary, providing access to six houses facing east-west with their gardens against the

western boundary. One of these would be a one-bedroom house, the others being two-bed.

5.2 The buildings would be primarily red brick, with a black brick ground floor for the apartment building. Black brick would also be used around some doorways to give the feel of a stable conversion. One house of the rear six would be rendered. The apartment building and one of the houses would have Juliet balconies and most of the buildings would have recessed, blind window features.

5.3 The two houses on Daybrook Street would have off-street parking at the front. A further seven spaces would be provided within the site. Bin stores are to be provided in two locations within the site, enclosed by 1.2m brick walls.

6 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Thirty-three letters notifying neighbours of the planning application were sent to addresses on Daybrook Street, Mansfield Road, Kensington Court, Knightsbridge Court and Newstead Street. A site notice was posted and a press advert published.

No responses have been received.

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions regarding land and groundwater contamination.

Highways: No objection.

Lead Local Flood Authority: negotiations are continuing regarding appropriate sustainable drainage.

7 RELEVANT POLICIES AND GUIDANCE

7.1 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 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 taken on planning applications. Of particular relevance to this application is the need to secure a good standard of amenity for all existing and future occupants of land and buildings.

7.2 Nottingham Local Plan (November 2005):

E4 - Previously Used Employment Sites

H2 – Density

H5 - Affordable Housing

NE9 – Pollution

NE12 - Derelict and Contaminated Land

T3 - Car, Cycle and Servicing Parking

7.3 Aligned Core Strategy

Policy A - Presumption in favour of sustainable development

Policy 1 - Climate change

Policy 4 - Employment Provision and Economic Development

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

8 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Loss of employment land and the suitability of the site for residential purposes.
- ii) Density and design.
- iii) Highway considerations.

Issue i) Loss of employment land and the suitability of the site for residential purposes. (LP Policy E4, ACS Policy 4)

- 8.1 The principle of the use of this site for residential purposes and its loss as an employment site was established by the previous planning approvals which measured the value of the site against Policy E3. This was a small poor quality industrial site with the existing buildings being in need of significant modernisation with limited access parking and servicing, particularly for HGVs. Given its location within a predominantly residential area and in such close proximity to adjoining housing it is considered that the most appropriate future use of the buildings would be residential.

Issue ii) Density and design (ACS Policies 8, 10 and LP Policy H2)

- 8.2 The density of proposed development is considered acceptable as a response to the constraints of the site and compatible with the area, which comprises mainly terraced housing of a similar nature to the proposal.
- 8.3 The design of the proposed dwellings has been discussed and revised by the applicant. These are to a common architecture, with some house types expressing individual designs. Most are to be constructed in red brick with pitched grey tile roofs. There are, however, also units of the same house types that are to receive rendered and black brick finishes to their front elevations in order to break up the street scene. All units are to have pre-cast cills and heads to their windows, 75mm window reveals, steel guttering and contemporary styled doors. Materials are fully detailed in the application submission. It is considered that the combination of proposed house types and detailing will provide an appropriate quality of built finish to the development and its own identity within the area.

It is considered that the proposal accords with Policies 8, 10 and Policy H2.

Issue (iii) Highway considerations (ACS Policy 10 and LP Policy T3)

- 8.4 The provision of nine parking spaces for eleven dwellings is considered to be sufficient in this highly sustainable location close to Sherwood District Shopping Centre, wider amenities and excellent public transport routes. It is anticipated that residents' permits would not be provided to future residents and an advisory note to that effect can be appended to the decision notice.

It is considered that the proposed highways layout accords with Policy 10 and Policy T3.

Other Material Considerations

Pollution and Contamination (Policies NE9 and NE12)

- 8.5 The submitted noise assessment is satisfactory. Further details are required for the remedial method statement (RMS), outlining the strategy for removal of the Underground Storage Tanks and interceptor and the testing and remediation of soil. Detailed proposals for the soft landscaped areas, capping layers and depth of clean cover are also required. This can all be required by condition and it is considered that the proposed development accords with Policies NE9 and NE12.

9 SUSTAINABILITY / BIODIVERSITY

The dwellings will be constructed to Level 4 of the Code for Sustainable Homes.

10 FINANCIAL IMPLICATIONS

None.

11 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.

12 EQUALITY AND DIVERSITY IMPLICATIONS

None.

13 RISK MANAGEMENT ISSUES

None.

14 STRATEGIC PRIORITIES

None.

15 CRIME AND DISORDER ACT IMPLICATIONS

Providing a residential development with secure property boundaries and streets and spaces that facilitate good natural surveillance.

16 **VALUE FOR MONEY**

None.

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

1. Application No: 15/01624/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NQ55JXLYCB000>

18 **Published documents referred to in compiling this report**

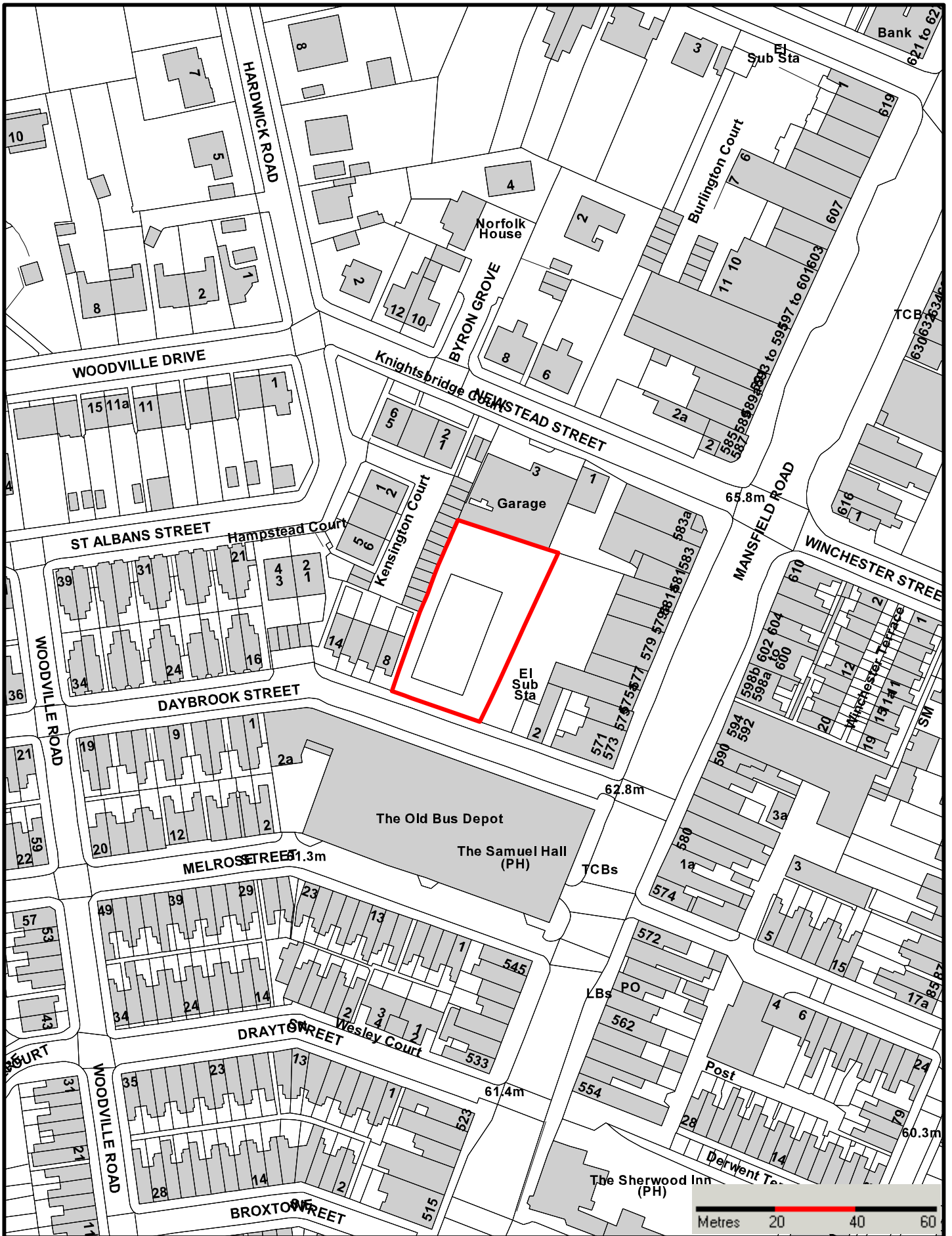
Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

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Nottingham
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Date of decision:

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

Application No: 15/01644/PFUL3 (PP-04284279)
Application by: Waters Homes
Location: Former Premier Pump And Tank Co Ltd, Daybrook Street, Nottingham
Proposal: 11 new dwellings and associated works.

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

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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2. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground and groundwater 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 and groundwater 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: In the interests of public health and safety in accordance with Policy NE12 of the Local Plan.

3. No development shall be commenced until the detailed design for the disposal of the surface water, and the subsequent maintenance of any drainage systems, has been submitted and approved in writing by the Local Planning Authority. The scheme shall incorporate Sustainable Drainage principles. The approved surface water scheme shall be constructed in accordance with the approved plans and documents.

Reason: In the interests of sustainable development and to reduce flood risk to third party properties in accordance with Policy NE10 of the Nottingham Local Plan.

Pre-occupation conditions

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

4. 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 and groundwater contamination of the site has been fully implemented and completed.

Reason: In the interests of public health and safety in accordance with Policy NE12 of the Local Plan.

5. No residential unit shall be occupied until the proposed vehicular and pedestrian accesses, internal access road, on site car and cycle parking provision and off-site highway works on Daybrook Street as shown on Pelham Architects drawing number 2288/P102A for indicative purposes only have been constructed to the satisfaction of the Local Planning Authority.

Reason: To promote sustainable travel, to ensure that adequate off street parking is provided, to enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety in accordance with Policy 10 of the Aligned Core Strategy.

6. No residential unit shall be occupied until arrangements for the future maintenance and management of the access road, communal parking areas, and communal landscaped areas have been submitted to and approved by the Local Planning Authority. Thereafter the approved arrangements shall be implemented at all times unless varied with the further written consent of the Local Planning Authority.

Reason: In order to ensure the on-going management and maintenance of these areas within the approved development in the interests of the residential amenity of future occupants of the dwellings in accordance with Policy 10 of the Aligned Core Strategy.

7. No individual dwelling shall be occupied until the boundary enclosure associated with that dwelling has been completed in accordance with approved details.

Reason: In the interests of the amenity of occupants of the approved development and 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)

8. 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 dwellings shall not be enlarged without the prior express permission of the Local Planning Authority.

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 24 June 2015.

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. Contaminated Land & Groundwater

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:

'Cut and fill' operations on site

How trees retained on site will be dealt with

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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 and groundwater contamination of the site.

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 Pollution Control 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 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.

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 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.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Highways Network Management on 0115 876 5293 at the earliest opportunity to begin the process. In the event that the access road remains within private ownership, the Highway Authority may require further evidence including but not limited to:-

1) the deposit of a map identifying the road which is to remain private;

- 2) the erection and maintenance thereafter of signage indicating that the road is unadopted;
- 3) evidence that future occupiers are aware that the road is unadopted, that the future maintenance of the road has been secured and to indemnify Nottingham City Council against future petitioning by residents to adopt their road; and,
- 4) the boundary between the adopted highway and private highway is cleared marked.

Planning consent is not consent to work on the highway. To carry out the permanent off-site works associated with the planning consent on Daybrook Street, 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. For further information please refer to the 6Cs Design Guide which is available at www.leics.gov.uk/htd

Temporary and permanent Traffic Regulation Orders (20mph speed limit on internal access road) will be required during the construction process and for the life of this development site. These have separate legal processes and the Orders can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the processes to be completed; please contact Traffic Management on 0115 876 5245 to instigate the process. Given that off street parking is being provided for this development site, we would not anticipate permits being provided to future residents to park with the existing Daybrook Street residents' parking scheme.

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: 15/01644/PFUL3 (PP-04284279)

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.