

REPORT OF CHIEF PLANNER

8 Separate Parcels Of Land Around, Arkwright Walk And Blackstone Walk

1 SUMMARY

Application No: 16/01999/PFUL3 for planning permission

Application by: BM3 Architects on behalf of Mr Peter Shambrook

Proposal: Erection of 112 new dwellings, comprising of 78 houses and 34 apartments and associated parking

The application is brought to Committee because it concerns a major development of significant local interest.

To meet the Council's Performance Targets this application should be determined by 12th December 2016

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the 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 Chief Planner.

3 BACKGROUND

- 3.1 This application relates to 8 separate sites in the vicinity of Arkwright Walk and Blackstone Walk in the Meadows, which formerly contained 148 decommissioned dwellings accommodated predominantly in 4 storey "Q Blocks". The "Q Blocks" comprised largely of a mix of 2 and 3 bedroom dwellings (maisonettes) either at ground floor level or with 1st or 2nd floor deck access via stairs. All of the Q Blocks and adjoining or integrated properties have now been demolished.
- 3.2 The first of the application sites sits to the north and south of Kirkwhite Walk, a public access route which connects the northern western part of the Meadows estate with Queens Drive and the Bridgeway Shopping Centre. The other 7 sites are spread along the length of Arkwright Walk to the east.
- 3.3 For some years Arkwright Walk has been blocked as a through route by a section of land which formed the parking and play area for the Crocus Field Children's Home. Planning permission was granted in May 2015 for the relocation of these facilities to allow Arkwright to be re-opened as a through route to pedestrians and cyclists. This work is nearing completion.
- 3.4 The sites are located within an entirely residential area in the north eastern/eastern part of the Meadows. Existing residential dwellings which adjoin the sites are

proposed to be retained. Community facilities such as the Salvation Army citadel, the Bridgeway Methodist Hall, the Riverway Public House, the Meadows Park and St Saviours Church are also interspersed along the length of Arkwright Walk. The Bridgeway Shopping Centre and the Portland Leisure Centre are located to the west of the Walk.

4 DETAILS OF THE PROPOSAL

- 4.1 This is a full planning application submitted by Keepmoat Homes. It seeks permission for redevelopment of the sites to provide 112 dwellings comprising 78 houses (10 x two bedroom, 34 x three bedroom and 34 x four bedroom houses) and 34 x two bed apartments with associated parking and landscaping. The development is a private housing scheme, comprising entirely of properties for sale on the open market.
- 4.2 The majority of the accommodation is for two and three storey, street fronting family housing in short terraces or semi-detached pairs. The other accommodation proposed as part of the scheme comprises two apartment blocks, intended to create a distinctive gateway at the northern end of Arkwright Walk, from Meadow Way. The blocks are proposed to be 4 storey in height and are contemporary in design.
- 4.3 The houses have been designed to have on plot parking with further car parking on street throughout Arkwright walk for both residents and visitors. Communal parking areas have been provided for the apartment blocks.
- 4.4 Kirkwhite Walk is proposed to remain as a pedestrian/cycle route only. Three new access roads off Blackstone Walk and Mainfold Gardens would provide vehicular access to fronting properties.
- 4.5 It is proposed to open up Arkwright Walk to vehicles from Meadow Way to the south, to provide vehicular access to the houses fronting the Walk. It is however not proposed to open up the Walk to vehicular traffic along its entire length. A section of the Walk adjacent to Bridgeway Court, Bridgeway Hall and the Crocus Fields Children's Home would be bollarded and for use by pedestrians and cyclists only. Existing vehicular access along the northern section of the Walk, from Meadows Way, would be retained to serve both new and existing properties at this end.
- 4.6 All mature trees that line Arkwright Walk would be retained and further public realm works are proposed to enhance the street and create traffic calming features.
- 4.7 Both the houses and apartments are proposed in brick, with feature panels of textured projecting brickwork. The houses would have grey tiled roofs. All would comply with Lifetime Homes and Secured by Design standards.
- 4.8 The developer has committed to work with the Council's Employment and Skills team to deliver local employment and training opportunities relating to construction jobs.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

192 neighbours were notified, sites notices were posted and the application was advertised in the local newspaper (final expiry date 02.11.16).

18-22, 46-59, 79-85, 97-104 Salvation Army Halls, Salvation Army House, The Riverway, Crocus Fields Arkwright Walk

49-57 Eugene Gardens Nottingham

17-23, St Saviours Church, Day Centre and Glebe House St Saviours Gardens Nottingham

5 -10, 13-21 Orange Gardens Nottingham

1-14 Ladysmock Gardens Nottingham

9-14 Waldron Close Nottingham

1-4, 5-8, 35-41 Blackstone Walk Nottingham

St John House Queens Walk

20-34 Houseman Gardens Nottingham

33- 45, 69-71 (odd) Manifold Gardens Nottingham

33 Manifold Gardens Nottingham

19, Bridgeway Hall Methodist Mission Bridgeway Centre

The Poets Corner

32- 46 (even) Lammas Gardens Nottingham

1, 14-25 Brookfield Court Nottingham

23, 33-34 Kirkby Gardens Nottingham

7-27 (odd) 13 Bruce Close Nottingham

1-4, 18-31 Bridgeway Court Willersley Drive

5.1 Two representations have been received from New Meadows Tenant's and Resident's Association (NEMTRA), one from the Chair and another from one of its members, who created a small display at the Bridgeway Hall for residents to inspect the plans. Feedback collected from local residents is summarised below.

1. In general, everyone who reviewed the exhibition welcomed the intention to progress the redevelopment of these two areas of the Meadows. The construction of more energy efficient housing was also positively commented on.

2. Comments on the apartments proposed for the north end of Arkwright Walk were generally unfavourable. Visitors to the exhibition described these as 'brutish', 'bland colours' and 'not the iconic gateway to the Meadows we were promised.
3. Parking for the apartment blocks raised concerns about the safety of the footway between the Poet's Corner public house and Meadows Way. The view was expressed that the parking should have been placed under the building with an exit onto Arkwright Walk, similar to arrangements for apartments on Fletcher Gate in the city.
4. The house design proposed for Arkwright Walk opposite St Saviours church (sites C and D) is felt to be out of scale and the crenelated effect was seen as slightly disturbing. The house type shown on site G was preferred.
5. Blackstone Walk (Site A): NEMTRA are surprised that the houses were not fronting onto Queens Walk and were not overlooking the park opposite side, but would have a brick rear garden wall running along it instead. They query the use of three storey buildings and consider they appear out of scale. The proposed section of long wall between plot 11 and 16 creates was seen to form an unattractive frontage to Kirkstone Walk and could be daunting to passers-by due to its closed off appearance.
6. Concern is expressed that the scheme shows the driveway of one of the properties on Blackstone Walk crossing over part of an area of public realm which contains a raised landscape planter. NEMTRA were given assurances that this community planter would be maintained and developed into a mini community orchard.
7. NEMTRA thought that Council's aspirations were for the redevelopment of Arkwright Walk to recreate some sense of the 'parade' feel of the original thoroughfare, with the suggestion that retail development could form part of the proposal. NEMTRA note that none of these aspirations have translated into plans, with some visitors commenting that the new properties look very similar to the ones they are intended to replace.
8. Concerned that many residents do not have computers and do not have necessary skills to track plans.

5.2 One further representation has been received from a local resident. They support the design of the houses but reiterate comments raised above about the design of the apartment blocks. As these buildings would greet everyone entering the city, from the South, they consider that the developer should commission a design with attractive angles, balconies and an impression of space and light; not just a solid block edifice.

5.3 Nottingham Local Access Forum support the vision of this proposal create user friendly pedestrian routes, to encourage walking and cycling and to promote sustainable living. The Forum welcomes a layout which improves security and surveillance of the public realm, in-line with the design principles of 'Secured by Design'. The proposal complements the ongoing scheme to open up Arkwright Walk.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection. Require conditions to address potential contamination and the submission of a noise assessment and sound insulation scheme.

Highways: No objection. Recommend conditions requiring the submission of a construction management plan and the implementation of the on site parking, turning and servicing areas. Refer to the need for stopping up public rights of way and areas of public highway.

Environment Agency: No objections.

Housing Strategy: No objection to the proposed redevelopment. Supports the proposed housing type and tenure mix.

Arboricultural Officer: Requires an arboricultural method statement to be submitted which should include a full schedule of pruning to the retained trees. A revised landscaping scheme is also required.

Biodiversity Officer: No objections. Recommend conditions relation to the provision of bird/bat boxes, hedgehog friendly fencing and the need to protect the Meadows Space during the construction period.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

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.

Aligned Core Strategy

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 17: Biodiversity

Policy 19: Developer Contributions

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities

H2 - Density

H5 - Affordable Housing

NE10 - Water Quality and Flood Protection

NE3 – Protected Species

NE5 - Trees

NE9 – Pollution

NE12 - Derelict and Contaminated Land

R2 - Open Space in New Development

T3 - Car, Cycle and Servicing Parking

T12- Public rights of way

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development and appropriateness of the mix of house types and tenure;
- (ii) Layout and design considerations;
- (iii) Highway considerations;
- (iv) Impact on residential amenity;
- (v) Section 106 matters

(i) Principle of the development and appropriateness of the mix of house types and tenure (NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2, and H5 of the Local Plan)

- 7.1 The application proposes replacement dwellings on cleared sites within an existing residential area, and is therefore acceptable in principle.
- 7.2 The Meadows is undergoing significant change, especially with the introduction of NET lines 2 and 3 the number of flats and maisonettes that have been decommissioned and replaced as part of the city-wide HRA Decommissioning and Redevelopment programme. One of the key issues identified in the Meadows Neighbourhood Plan was the need to broaden the housing offer in the Meadows. In line with this, the sites at Hobart and Pitcairn Close have been successfully developed as mixed tenure housing by Blueprint and the ASRA Housing Group, and Nottingham City Homes have just completed a scheme of 54 new council houses and bungalows around Bosworth Walk in the west of the neighbourhood.

- 7.3 In order to continue to widen the housing offer and help create a more sustainable and balanced community the development of the Arkwright Walk and Blackstone Walk sites are proposed to be homes for market sale. The scheme is being delivered by Keepmoat as a development partner to the City Council, who have therefore steered the type and tenure of the residential units.
- 7.4 In their response to the consultation, NEMTRA have challenged the lack of retail offer as part of the scheme. When tendering for a development partner, the City Council included a requirement for developers to consider the potential for small scale retail/commercial provision, where this would enhance the quality of the scheme and be beneficial to the existing uses in the wider area. It was important that any such provision should not adversely impact on the vitality and viability of the retail offer at the Bridgeway Centre. No tender responses were received, due to the inclusion of this requirement, which, therefore, was subsequently removed. The resulting non-inclusion of any retail element was also in line with previous independent advice commissioned by the Council which concluded that there was little or no interest in the provision of further retail in the area.
- 7.5 The work being undertaken by the Council to reopen Arkwright Walk as a through route to pedestrians and cyclists will recreate the historic link between the city and Trent Bridge. It will also improve accessibility for local residents, encourage footfall and an increased prominence for The Meadows as the southern gateway to the city. Carrying out the work at this time would enhance the new housing developments, maximise their regeneration potential and realise the aspirations of both the Meadows Neighbourhood Plan and the Local Transport Plan.
- 7.6 The NPPF supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. It states that Local Planning Authorities should plan for a mix of housing and identify the size, type, tenure and range of housing to meet local needs, with affordable housing if required. Commissioned by the City Council the scheme is based on such an assessment, would contribute towards meeting local housing needs, and would be in keeping with the NPPF and the City Council's strategic objectives to create sustainable balanced communities. Additionally, the development is located in a sustainable location, close to local facilities and a range of transport options. The proposal therefore accords with NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2, and H5 of the Local Plan.
- (ii) Layout and design considerations (NPPF, Policy 10 of the Aligned Core Strategy and Policies NE5 and T3 of the Local Plan)
- 7.7 Local Plan policies and the NPPF recognise the importance of design in making places better. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. It also states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.8 The scheme overall has been designed to provide active frontages and surveillance over the street and also creates secure private rear gardens. Wherever possible the proposed layout for the redeveloped sites show a 'perimeter block' form of development with continuous street frontages to provide a clear definition between

the public and private realm throughout. The new family dwellings would be two and three storeys in height and a mixture of semi-detached, short terraces and detached units to reflect the context of the surrounding residential properties, yet create its own distinctive character. The proposed layout would significantly improve community safety in the area due to the creation of street frontages and secure rear gardens, when compared to the current layout. Bin stores are primarily proposed to be located in rear gardens but where this is not possible they are accommodated in front gardens.

- 7.9 The design of the dwellings is contemporary and their elevational treatment, together with the palette of materials, would create a clear and cohesive architectural language. The proposed materials for the new houses would be a mix of buff or red brick with a feature panel of textured, projecting brickwork to add further interest. The final details of the materials would be dealt with by condition.
- 7.10 Each dwelling would have a small front garden to be enclosed by brick and metal railings. The rear gardens are largely enclosed by 1.8m high timber fences. In instances where back gardens front on to streets the boundary treatment would be a 1.8m brick wall.
- 7.11 The scheme also proposes a gateway entrance to Arkwright Walk formed by the two apartment blocks at either end. Considerable work has been undertaken with Keepmoat to improve the architectural treatment of the apartment blocks during the pre-application process. The blocks have been designed to be four storey in height to create a presence and focal point at the entrance to the Walk and along Meadows Way, and their design and brick finish reflects the simple contemporary treatment of the new houses. The buildings have been designed with a flat roof, not only to reflect their contemporary design but also ensure their height sits comfortably with neighbouring properties, which are two storey in height with pitched roofs. Projecting bays holding balcony amenity space, together with additional setbacks and projections, aim to enliven their façades and add architectural interest.
- 7.12 Where possible ground floor apartments have been given their own front doors directly onto the street to maximise street activity and surveillance. Internally layouts have been created to maximise space and light and all the apartments are dual aspect. Windows sizes have been maximised with feature full height glazing to living areas. Access cores have been set back and are fully glazed. Feature panels of textured, projecting brickwork have been used to add further interest and break up areas of blank façade, reflecting a feature used in the new housing and to create a consistent theme throughout the development. Keepmoat has proposed the use of a buff brick with contrasting blue grey brick; details of external materials will however be conditioned.
- 7.13 A significant aspect of this regeneration scheme has been the opening up of Arkwright walk as a pedestrian and cycle access route, the enhancement of the public realm along the Walk, together with the protection of Kirkwright Walk as a pedestrian access route only. Streetscape works are proposed along the length of Arkwright Walk that provide a consistent approach to its hard landscaping and street furniture.
- 7.14 An important element of the public realm works has been the retention of the mature trees which line the Walk and define it's character. It is proposed to replace the hardsurfacing surrounding the trees with grass to protect the future health of the

trees and further 'soften' the appearance of the Walk. Additional trees are proposed where trees have been lost. Elsewhere existing trees have been retained, where possible, including the mature horse chestnut tree at the entrance to Kirkwhite Walk from Queens Walk.

- 7.15 Details of tree protection measures, an arboricultural method statement, hardsurfacing and landscaping would be dealt with by condition.
- 7.16 Responses to other comments made by NEMTRA on the design of the scheme are as follows:
- a) Blackstone/Kirkstone Walk (Site A): Consideration was given to the new houses fronting onto Queens Walk. However the presence of large mature trees, which line the Walk, together with existing tram apparatus limited the potential to do so and would create a poor outlook. The importance of creating active streets together with parking to the front of properties dictated the final layout of the properties facing onto the new access instead of Queens Walk.

Where possible new housing has been designed to front onto Kirkwhite Walk. The protection of Kirkwhite Walk for pedestrian use only has however necessitated the creation of new access roads to serve the development and as a result, a small section of the development faces side onto the northern side of the Walk. A brick wall would run along this section of the walk and is proposed to be softened by additional landscaping. Existing and new houses front onto the southern side of the Walk to provide activity and surveillance.

The use of three storey units in this part of the development is currently being reviewed.
 - b) Community Planter Kirkstone Walk: The corner of the planter would be affected by the driveway to unit 2 in Site A. Keepmoat are currently in discussion with NEMTRA on remedial works and improvements to the community planter.
 - c) Footway between the Poet's Corner public house and Meadows Way: For viability, scale and design reasons, the siting of the car parking underneath the northern apartment block is not possible. The car park which sits beside the footpath is proposed to be enclosed by 1.8m metal railings to protect this pedestrian route whilst providing surveillance onto the footpath.
 - d) Sites C and D: Both of these sites were originally proposed to be a terraced of three storey properties with integral garages on the ground floor. This resulted, not only in a lack activity at street level, but also created a bland long frontage facing onto Meadows Park. The opportunity was taken to create a more interesting pattern of development at this point, to enliven the street scene and create differing house styles and heights along the Walk.
- 7.17 Overall the layout and design of the buildings and public realm works are considered to be a positive and well considered response to the sites and their context, in accord with Policy10 of the Aligned Core Strategy and PoliciesNE5 and T3 of the Local Plan.

(iii) Highway considerations (Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.18 The 8 site currently comprise of 148 decommissioned dwellings which are to be replaced by a total of 112 residential units, and as such it is considered that the proposed development would not have a significant impact upon the surrounding highway network in terms of traffic generation and access.
- 7.19 Arkwright Walk is proposed to be opened up to vehicular access to the proposed dwellings, with a turning head provided at the northern end of Arkwright Walk adjacent to site C. There is no vehicular through route proposed, but rather for pedestrians and cyclists only. Vehicles would be prevented from using Arkwright Walk as a through route by appropriately designed and positioned barriers. There is a long term possibility of allowing a local bus service to use Arkwright Walk and the new carriageway has been designed to accommodate this.
- 7.20 Where possible the new housing layout has been designed to provide pedestrian and vehicular access from the front of each new property. The access arrangements have been designed to meet current highway standards. Car parking would be either provided on plot at the front or the side of the dwelling with additional on street parking bays being designed into the new highway layout along Arkwright Walk for residents and visitors. It is proposed that on street car parking would be regulated by a residents' parking scheme which would be separately implemented by the City Council as Highway Authority.
- 7.21 The proposed public realm works to Arkwright Walk would involve surface improvements to provide a consistent palette of materials and introduce further traffic calming measures. All materials used on the highway are proposed to comply with the City Council's "Streetscape Design Manual for Neighbourhoods".
- 7.22 It is considered that the development satisfies the requirements of Policy 10 of the Aligned BE1, BE2 and T3 of the Local Plan.

(iv) Impact on residential amenity (Policy 10 of the Aligned Core Strategy)

- 7.23 The proposed layout has been designed to take into account the existing residential properties which abut the sites, to ensure that there would be no adverse impact upon the amenities of nearby existing residents or future occupants of the new development in terms of light, outlook and privacy. The development would therefore comply with Policy 10 of the Aligned Core Strategy.

(v) Section 106 Matters (Policy H5 and R2 of the Local Plan)

- 7.24 One of the key issues identified in the Meadows Neighbourhood Plan was the need to broaden the housing offer in the Meadows to help create a more sustainable and balanced community. Following the construction of a mixed tenure housing scheme at Pitcairn and Hobart and a development of new council houses and bungalows in the western area of the Meadows, it was determined that the new homes on the Arkwright and Blackstone Walk sites should be homes for market sale, to further broaden the tenure mix. For this reason there is no requirement for the provision of any affordable homes as part of the proposal, which was reflected in the development agreement.

- 7.25 In order to further enhance the regeneration of the area and form a key link into the city, the Council committed significant funds to acquire additional properties (over and above those included in the Housing Revenue Account (HRA) redevelopment programme) and re-open Arkwright Walk as a through route for pedestrians and cyclists, the cost of which was reflected in the development agreement. A thorough and open-book analysis of build costs, anticipated abnormal costs and the sales values that can be achieved show that viability on the scheme is marginal and any requirement for s106 contributions could impact upon the deliverability of the scheme.
- 7.26 This application relates to 8 separate sites of 148 decommissioned dwellings, accommodated predominantly in 4 storey “Q Blocks”. The proposal for 112 new dwellings would therefore result in a net reduction of residential units and in correlation, a reduced burden on existing infrastructure in the area. Of the 122 new properties, 77 are proposed to be 2, 3 and 4 bedroom family houses which would replace 148 properties, the majority of which were 2 and 3 bedroom family homes. Given the net reduction in the number of family homes on the sites, the development would not result in a need for additional increase in educational or public open space requirements for the area.
- 7.27 Additionally, the development agreement includes a requirement for improvements to and the resurfacing of the entire length and width of Arkwright Walk, including the area adjacent to the playground. The scheme includes new seating and measures to ensure that the route could be used by buses in the future, but will not allow for any through vehicular traffic or rat-running.
- 7.28 In light of the above there is considered to be no requirement for S106 contributions.

Other Matters (Policy 1 of the Aligned Core Strategy and Policies T12, NE10 and NE12 of the Local Plan)

- 7.29 The application identifies possible contamination of the sites due to previous uses and details of testing and remediation can be secured by condition. The proposals are therefore in accordance with Policy NE12.
- 7.30 A Flood Risk Assessment has been submitted with the application as some of the sites fall within flood zone 2 and as such, standing advice for more vulnerable development applies. Subject to compliance with the Environment Agencies standing advice, the development would accord with Policy NE10 of the Nottingham Local Plan and Policy 1 of the Aligned Core Strategy.
- 7.31 The proposal will affect existing public rights of way and carriageway, and these will need to be stopped up under the Town and Country Planning Act 1990 to enable the development to be carried out. It is considered that the proposed layout adequately replaces these routes. The proposal will therefore satisfy Policy T12.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17 of the Aligned Core Strategy and Policies NE3, NE5 and NE14 of the Local Plan)

- 8.1 The proposed development would be constructed using a fabric first approach to provide highly insulated buildings, to reduce energy at source. This would ensure that a 10% reduction in carbon emissions would be exceeded.

8.2 The scheme proposes the retention of the main trees of high amenity value along Arkwright Walk and the planting of further trees.

8.3 Ecological enhancements would be required in accordance with the recommendations of the Biodiversity and Greenspace Policy Officer.

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: Redevelopment of the sites of inappropriate decommissioned/demolished properties with a sustainable residential development.

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

The scheme will provide improved surveillance and community safety in the area.

15 VALUE FOR MONEY

None.

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

1. Application No: 16/01999/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCRFFULYG2300>

2. Environmental Health and safer Places comments 05.10.16.

3. Comments from a resident of Arkwright Walk 12.10.16.

4. Comments from a resident of Goldswong Terrace 19.10.16.

5. Highways comments 20.10.16.

6. Comments from the Chair of NEMTRA 20.10.16.

7. Comments from a member of NEMTRA 24.10.16.

8. Environment Agency comments 26.10.16.
9. Tree Officer comments 31.10.16.
10. Biodiversity Officers comments 10.11.16

17 Published documents referred to in compiling this report

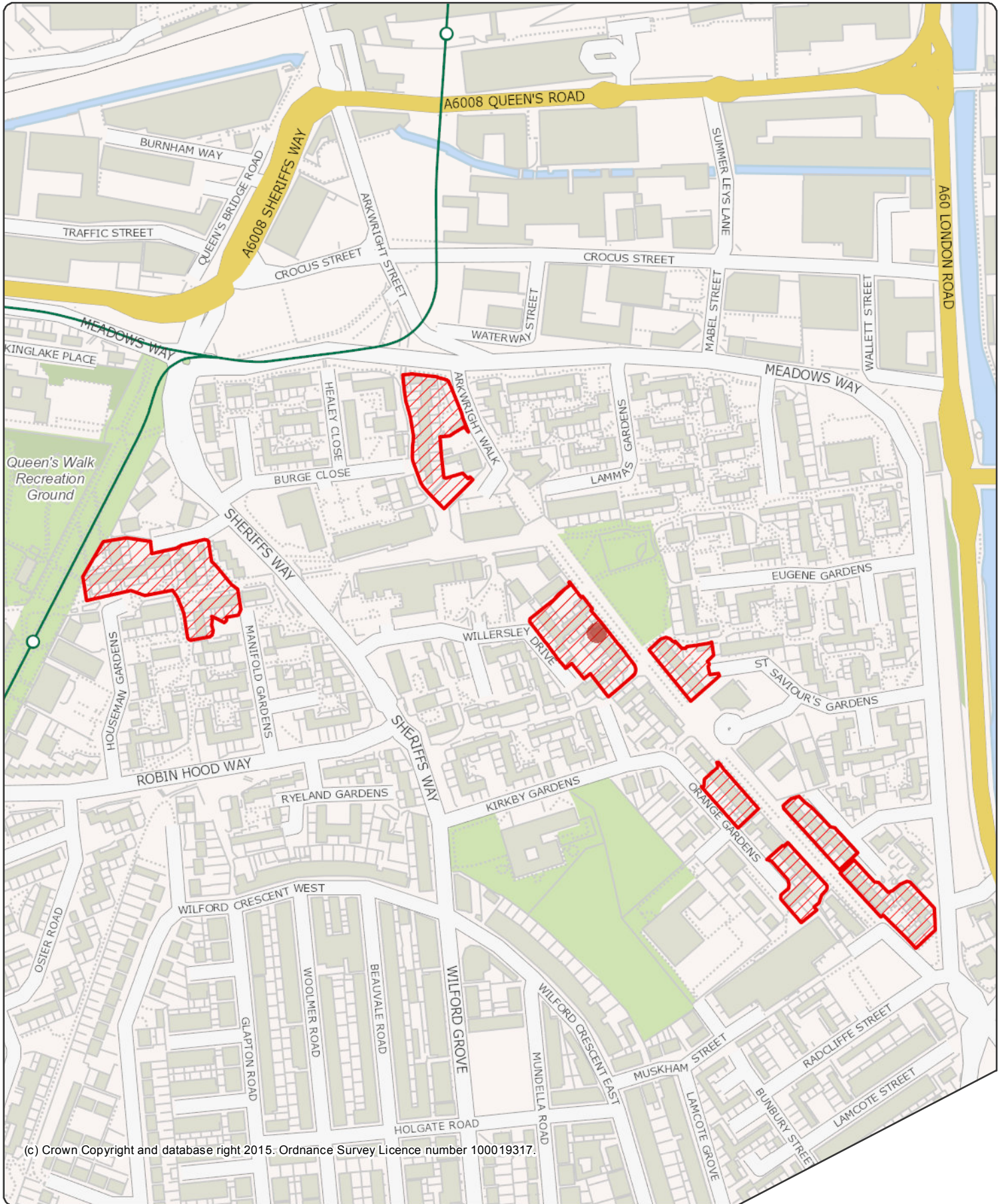
Nottingham Local Plan (November 2005)

Contact Officer:

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NOMAD printed map

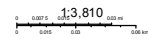


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Key

-  City Boundary
-  Planning Application Polygons

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Description

No map description



My Ref: 16/01999/PFUL3 (PP-05409992)
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**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 16/01999/PFUL3 (PP-05409992)
Application by: Mr Peter Shambrook
Location: 8 Separate Parcels Of Land Around, Arkwright Walk And Blackstone Walk, Nottingham
Proposal: Erection of 112 new dwellings, comprising of 78 houses and 34 apartments and associated parking

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 hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

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



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DRAFT ¹ ONLY
Not for issue

Continued...

3. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

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

4. No development or site preparation works shall be carried out on the site until details of a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period for the development and shall provide for:

- a) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
- b) The parking of vehicles of site operatives and visitors;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) Wheel washing facilities, if necessary;
- f) Measures to control the emission of dust and dirt during construction;
- g) Site security;
- h) Measures to prevent the deposit of debris on the highway
- i) Details for the protection of the Meadows park during the construction period and;
- j) A timetable for its implementation.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan.



5. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the sites, 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, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

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



6. The development shall not commence until, an environmental noise assessment and sound insulation scheme has been submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any local events, transportation noise, noise from people on the street and 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. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan.

7. Prior to the commencement of development, full details of external materials for the buildings, including samples, large scale elevation and cross sections, details of windows reveals and eaves treatment, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

8. The development shall not be commenced until details of the hard surfacing of all external areas have been submitted to and agreed in writing with the Local Planning Authority.

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

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

9. Notwithstanding the submitted plans, the development shall not commence until details of boundary treatments and enclosures to the site and plot boundaries shall be submitted to and approved in writing by the Local Planning Authority.

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

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

10. The development shall not be commenced until all drainage details have been submitted to and approved in writing by the Local Planning Authority.

The provision shall reduce peak surface water run-off by 30% relative to the site's previous use and shall prevent the unregulated discharge of surface water to the public highway. This provision shall then be retained for the life of the development.

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

11. The development shall not be commenced until a landscaping scheme for the site, including details of the street trees, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme. Thereafter the landscaping scheme shall be carried out in accordance with the approved details and timetable. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the 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)

12. The proposed alterations to the public highway shall be completed in accordance with design details, including a timetable for their completion, that have first been submitted to and approved in writing by the Local Planning Authority.

The development shall then be carried out in full accordance with the approved highway works.

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

13. No part of the development shall be occupied until a scheme for the inclusion of bird/ bat boxes and hedgehog friendly fencing within the development has been implemented, insofar as it relates to each property, in accordance with details that shall first have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the type, number and position of the bird/ bat boxes and hedgehog friendly fencing.

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.



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

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

b) 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 the health and safety of the occupiers of the development in accordance with Nottingham Local Plan Policy NE12.

15. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan.

16. Prior to the first occupation of any of the dwellings hereby approved all parking spaces shall be provided with minimum dimensions of 2.4m x 5.5m and laid with permeable surface construction.

Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions
 (Conditions relating to the subsequent use of the development and other regulatory matters)

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the underlying aquifers from contamination from the land raising activity that occurred at the site previously in accordance with Policy NE12 of the Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 28 October 2016.

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.



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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. Contaminated Land, Ground Gas & 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
- How gas precautions including any radon gas precautions will be validated
- 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, groundwater and ground gas contamination of the site.

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

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

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

4. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate

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

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

5. Highways advice is as follows:

1) It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 16/01999/PFUL3 (Arkwright Walk Blackstone Walk) 19th October 2016 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

2) The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

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

4) Section 38. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottingham City Council's current highway design guidance and specification for roadworks.

The Advanced Payments 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. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the City Council in writing before any work commences on site. For further information please contact Network Management on 0115 876 5293.

5) The Highway Authority 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. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree which is in line with the 6Cs Regional Design Guide. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.



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6) The applicant should investigate the introduction and implementation of traffic regulation orders on the adjacent highway network, such as a 20mph speed order, to the residential development with all costs borne by the applicant. Any temporary traffic regulation orders required for the site development will also have to be implemented and paid for by the applicant.

The highway authority recommend that where proposed properties (with parking) front onto the permit parking schemes (or extended schemes) they are deemed ineligible for parking permits. A method for controlling the proposed lay-by parking on Arkwright Walk will need to be carefully considered as will parking in any publically accessible area (whether highway or not).

The highway authority would want the construction and layout of Arkwright Walk to be reviewed in relation to TROs, in terms of increased vehicle use and the prevention of unwarranted vehicle access. The current footpath link located adjacent to Brookfield Court (north-west corner of proposals), will need protecting against unwanted vehicle use over the short length that will not be accessible to vehicles or this could become an issue

For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

6. Flood Risk

All 8 proposed redevelopment sites are within Flood Zones 1 and 2. As such, standing advice for more vulnerable development applies.

In order to support Nottingham City Council in applying standing advice and ensuring ground finished floor levels are set a minimum of whichever is higher of 00millimetres above the general ground level of the site or 600mm above the estimated river or sea flood level, we have provided modelled flood levels for the various sites below. Please note, Flood Risk Assessment climate change allowances guidance was updated in February 2016, and as such a range of allowances should now be considered.

For more vulnerable development in Flood Zone 2, the central and higher central allowances should be considered to assess a range of scenarios (i.e. 20% and 30% peak flows above the 1 in 100 year or 1% annual exceedance probabilities).

Modelled flood heights relevant to these sites are as follows:

Site A: 100 year 20% = 25.39mAOD

100 year 30% = 25.50 mAOD

Site B: 100 year 20% = 25.36 mAOD

100 year 30% = 25.47 mAOD

Site C: 100 year 20% = site is dry

100 year 30% = 25.46 mAOD

All other sites are dry in the above two modelled events.

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.



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RIGHTS OF APPEAL

Application No: 16/01999/PFUL3 (PP-05409992)

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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