

**REPORT OF CHIEF PLANNER**

**Church Square Shopping Centre, Lenton**

**1 SUMMARY**

Application No: 17/00044/PFUL3 for planning permission

Application by: Mr Andrew Oglesby on behalf of Nottingham City Homes

Proposal: Erection of 17 dwellings on site of existing shopping centre and flats

The application is brought to Committee because planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should be determined by 18th April 2017

**2 RECOMMENDATIONS**

1. **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 Chief Planner.

**3 BACKGROUND**

3.1 The application site is located at the northern end of Willoughby Street in Lenton. It is bounded to the west by the Thomas Helwys Baptist Church and a leisure and community centre. To the south and east are residential properties on Willoughby Street, Maxwell Close and Allington Avenue. To the north there is an area of landscaped amenity space which includes the footpath links to Church Street and a number of trees. This fronts onto Church Street and to the north of this is the Lenton Gardens development which is a housing scheme being undertaken by Nottingham City Homes, on the site of the former Lenton highrise flats, which is approaching completion.

3.2 The site currently accommodates a small shopping centre precinct, with a total of 12 apartments on the upper floors. Beneath the shops and precinct there is an under-croft / basement which housed workshop units which were accessed from Willoughby Street. The buildings on the site have been vacated and are now being demolished. An application to ascertain whether Prior Approval was required for demolition was determined in 2016 (ref 16/01137/PADA).

**4 DETAILS OF THE PROPOSAL**

- 4.1 This is a full planning application submitted by Nottingham City Homes (NCH). It seeks permission for the redevelopment of site to provide 17 x 2-bed affordable homes. All the properties would be retained by NCH and it therefore constitutes a scheme of entirely affordable housing.
- 4.2 The proposed development comprises two storey family houses. Four pairs of semis are proposed to front Maxwell Close and a terrace of nine houses would front Willoughby Street. Each house would have a private rear garden and on-plot car parking at the front of the property. The houses are proposed to be constructed from Nottingham Red brick with feature render panels.
- 4.3 Employment opportunities would be created in the construction phase of the development. The developer is committed to working with the Council's Employment and Skills team to deliver opportunities for local people.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

24 neighbour notification letters were sent to nearby residents on Park Street, Allington Avenue, Willoughby Street, Church Street and Maxwell Close. The application has also been advertised on site and in the local newspaper. The period for comment expired on 15.02.2017. No response has been received.

### **Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objection. Require conditions to address potential contamination.

**Highways:** No objection and full details can be secured by condition.

**Drainage:** Site must use SUDS techniques and surface water run-off should be reduced by 30%. Further details of disposal of surface water are required.

**Tree Officer:** No objection. Recommends a condition requiring the submission of an Arboricultural Method Statement.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

- 6.1 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.
- 6.2 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 making 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.
- 6.3 Paragraph 49 states that housing applications should be considered in the context

of the presumption in favour of sustainable development.

- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraphs 100 to 104 sets out a sequential approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking the account of climate change.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.

**Nottingham Local Plan (November 2005):**

ST1 - Sustainable Communities.

H2 – Density.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

NE5 – Trees.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

**Aligned Core Strategy (September 2014):**

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 14: Managing Travel Demand.

Policy 19: Developer contributions.

**Other documents**

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.

Planning Guidance for the Provision of Open Space Within Developments Supplementary Planning Guidance.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main issues**

- (i) Principle of the development;
- (ii) Layout and design;
- (iii) Impact on residential amenity;
- (iv) Highway considerations;
- (v) Planning obligations.

### **(i) Principle of the development** (NPPF, Policies A and 8 of the Aligned Core Strategy, Policies ST1 and H2 of the Local Plan)

- 7.1 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 and tenure and range of housing to meet local needs and affordable housing if required.
- 7.2 This 100% affordable housing scheme would contribute towards meeting local housing needs and would be in keeping with the NPPF and the City Council's strategic objectives to create more sustainable communities. The scheme replaces a poorly sited, configured and occupied retail precinct, including apartments above, with a scheme of 2 bed houses; diversifying the range of housing types in this area. Additionally, the development is located in a sustainable location, close to local facilities and public transport. It therefore accords with the NPPF, policies ST1 and H2 of the Local Plan and policies A and 8 of the Aligned Core Strategy.

### **(ii) Layout and design considerations** (NPPF, policy 10 of the Aligned Core Strategy and policy H2 of the Local Plan)

- 7.3 Local Plan policies, the ACS and the NPPF all recognise the importance of design in making places better. The NPPF advocates 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 an area.
- 7.4 The proposed layout is in the form of dwellings with street frontages that provides a clear definition between public and private realm throughout. This frontage development will introduce casual surveillance of Willoughby Street and Maxwell Close and it is considered that the scheme will significantly improve community safety in the area when compared to the current inward looking layout. Each dwelling will have an off-street car parking space and front garden which will be enclosed. The density proposed is compatible with the surrounding residential properties.
- 7.5 The elevational treatment of the dwellings, together with the proposed palette of materials, will create a clear and straightforward architectural language. The proposed materials, which would comprise a mix of red brick and render panels, are considered to be appropriate.
- 7.6 The site levels fall away from east to west and as a result the new houses on Willoughby Street will be at a lower level than those on Maxwell Close. To address

this and provide the houses with level rear gardens, a retaining wall is proposed between the two. This will result in a brick wall at the end of the rear gardens of the Willoughby Street houses. This arrangement facilitates the most appropriate layout with street frontage dwellings and will provide a satisfactory level of outlook to the rear for the occupiers of the houses on Willoughby Street.

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

- 7.7 The site is bounded by roads to the east and west and a landscaped area to the north, and does not therefore directly impact upon any immediate neighbours. The nearest residential property is to the south of the site on Maxwell Close. The nearest new dwelling is slightly closer to this property than the existing development but the proposed development, at 2 storeys, constitutes a significant reduction in scale when compared with the existing situation. Overall, the relationship between the two is considered to be acceptable. Policy 10 of the Aligned Core Strategy is therefore satisfied in this regard.

**(iv) Highway considerations** (Policies 10 and 14 of the Aligned Core Strategy and policy T3 of the Local Plan)

- 7.8 The new housing layout has been designed to create two frontage blocks, with pedestrian and vehicular access being from the front of each new property. Further details are required by condition and this matter will be further addressed in the update sheet.
- 7.9 It is considered that the development satisfies the requirements of Policy T3 of the Local Plan and policies 10 and 14 of the Aligned Core Strategy.

**(v) Planning obligations** (Local Plan policies ST1 and R2 and Aligned Core Strategy policies 8 and 19)

- 7.10 In order to comply with planning policies for a housing development of this scale, the developer is usually required to enter into a section 106 obligation to secure contributions towards education and public open space, unless a case for them being waived can be justified through a robust viability assessment. In this specific case the proposal is by Nottingham City Homes, a “not for profit” social housing provider who will retain the new homes and let them through its housing register on an affordable rent basis. The overall viability of the scheme is dependent upon grant funding from the Homes and Communities Agency, with the remaining finance being borrowed from the Council on a long term repayment arrangement. There will therefore be no development profit from the scheme which would enable contributions for education and public open space to be made. However, the scheme will deliver 17 x 2 bed affordable houses for rent, replacing 12 x 2 bed flats.
- 7.11 With reference to public open space, it should also be noted that the current proposal is being delivered as part of the wider Lenton Gardens scheme, which incorporates a central area of open space (0.43 ha) which links onto Church Street. With regards to education provision, there have been recent expansions at Dunkirk Primary and Mellers Primary Schools which have been planned to accommodate these new housing developments and the consequent change to the demographics of the area.

- 7.12 Given the above, and the nature of the accommodation being provided it is therefore considered acceptable for the relevant S106 planning obligations to be waived in this instance.

**Other matters** (Policies NE5, NE9 and NE12 of the Local Plan)

- 7.13 A remediation strategy to deal with ground contamination can be secured by condition. A condition is also proposed requiring the submission of details relating to the disposal of surface water. The proposals are therefore in accordance with Policies NE9 and NE12 of the Local Plan.
- 7.14 The Tree Officer is satisfied that that the trees on the adjacent landscaped area will not be adversely impacted upon by the proposed development. A condition requiring an arboricultural method statement is proposed to ensure that they are properly protected during the construction period. Policy NE5 of the Local Plan is therefore satisfied.

**8. SUSTAINABILITY** (Aligned Core Strategy policy 1)

- 8.1 A “fabric first” approach is to be adopted as part of the construction of the dwellings through the insulation of the walls, floors and roofs which will exceed the requirements of the Building Regulations Part L 2013 and achieve the equivalent to Level 4 of the Code for Sustainable Homes. It is also proposed to install photovoltaic panels on each dwelling. Aligned Core Strategy policy 1 is therefore satisfied.

**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 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site with a high quality, 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.

**13 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**14**    **VALUE FOR MONEY**

None.

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

1. Application No: 17/00044/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OJINW0LYJ0I00>
2. Email from Environmental Health and Safer Places dated 21.02.2017
3. Email from Tree Officer dated 02.02.2017
4. Email from Drainage dated 30.01.2017

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

Nottingham Local Plan (November 2005)  
Aligned Core Strategy  
National Planning Policy Framework

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