

WARDS AFFECTED: Dales

REPORT OF CHIEF PLANNER

Land East Of Trent Lane, Trent Lane

1 SUMMARY

Application No: 17/01930/PFUL3 for planning permission

Application by: CPMG Architects on behalf of Pelham Waterside LLP

Proposal: Erection of 73 dwellings, comprising 50 houses and one apartment block containing 23 apartments. New access road, landscaping, parking and boundary treatments.

The application is brought to Committee because it is a major application that is recommended for approval, but where any planning obligations are proposed to be waived, or are substantially less than typically required by adopted planning policies.

The applicant has agreed an extension of time for the determination of the application until 15th June 2018, having revised the layout and design of the proposed development.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

(a) the receipt of confirmation from Environmental Health & Safer Places that all existing environmental noises are able to be satisfactorily addressed through appropriate mitigation, and no new material issues being raised as a result of the further consultation with neighbouring and surrounding properties,

(b) prior completion of a Section 106 planning obligation to include measures to, ensure that development of adjacent land is not prejudiced and to facilitate a future further highway connection to Waterside Way.

(c) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 Power to determine the final details of the conditions to be delegated to the Chief Planner.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 BACKGROUND

- 3.1 The application site is a cleared site on the east side of Trent Lane, having previously been partly developed with various works/depot buildings. The site is enclosed by a fence hoarding along Trent Lane. Opposite the site to the west is Phase 1 of the Trent Basin housing development, with Phase 2 also now underway between Phase 1 and the river. To the east of the site is the River Crescent apartments development. To the south is a sign fabricators works premises and beyond this the cleared site of the former Park Yacht Club, which has planning permission for a three block apartments development. To the north of the site is a cricket bat manufacturers works premises and other business/industrial premises on Trent Lane and Little Tennis Street South.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the development of the site for a total of 73 dwellings, comprising 50 houses in a range of two and three storey house types, and a four storey apartment block containing 23 apartments being located towards the rear/south-east boundary of the site. Short private gardens and roof terraces are provided to the houses. External terraces and are proposed on a number of the apartments. The development would be serviced by a new access road off Trent Lane, with an existing currently unused access road along the northern boundary of the site also proposed to be upgraded. Off-street car parking and street trees are to be provided throughout the proposed development.
- 4.2 The application submission has been substantially revised during the course of its consideration and a full reconsultation has been carried out.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

A total of 194 neighbouring and surrounding properties have been individually notified of the application proposals, including the apartments at River Crescent and all houses at Trent Basin, and businesses on Trent Lane.

The application has also been advertised by press and site notices.

It is to be noted that a number of the comments received were made in response to the initial application submission and consultation. The application submission has since been substantially revised and a full reconsultation on the application was issued on 24 April 2018. The statutory deadline for responses to be received expires on 17 May 2018 and the recommendation to Committee is made on the basis that no further material planning considerations are raised. All comments received to date are included below, with those marked with an asterisk being made in response to the initial application submission and those without relating to the revised submission and/or being a further updated response from that consultee.

Any further responses received will be reported by means of an update sheet to the meeting.

***Neighbour (Trent Basin):** Overall great supporter of development that builds a community in Trent Basin. Suggest houses are moved back off Trent Lane like

Trent Basin houses so that they have a front garden and are slightly further away to avoid proximate overlooking. Single colour of bricks looks a bit boring and cheap. Wider mix is needed to reflect the riverside as Trent Basin.

***Neighbour (Trent Basin):** Have traffic concerns regarding width of footpaths on Trent Lane that are often heavily blocked by vehicles and meaning that pedestrians must walk on the road. Believe that more consideration should be given to the pedestrian infrastructure. With unsafe pedestrian access people will feel the need for a car, which would put stress on parking provision on Trent Lane.

***Neighbour (Trent Basin):** Query whether infrastructure improvements are to be made to Daleside Road mini roundabout.

***Neighbour (Trent Basin):** Green space/children's play areas is required and area to the east of the site could be ideal if it were available and correctly funded. There is a general lack of public open space in the area. Would also like to see the 3 or 4 brick colours used in Trent Basin used here to give the whole neighbourhood some continuity.

***Neighbour (Trent Basin):** Overall in favour but would like to see brickwork close to the 4 colours used for Trent Basin for continuity. There is no definite provision of public open space which is currently lacking in the area. Pedestrian/cycle access through to Racecourse Road/Colwick Country Park would be a bonus.

***Neighbour (Trent Lane Business):** Have right of access over the application site via a rear access gate which must be kept clear. Have no issue with the development as long as this access is reserved. Management of construction traffic is a major concern and contractors' vehicles should be prohibited from parking on Trent Lane, blocking access.

***Neighbour (River Crescent):** Support more residential development along Nottingham's waterside. However disappointed that architecture of Trent Basin is being continued. Scheme has a distinct lack of architectural ambition and should be improved.

***Neighbour (River Crescent):** Proximity, intermittent noise and dust of neighbouring cricket bat manufacture to the site to be noted. Early morning lorry activity from nearby distribution premises also to be noted. Would welcome S106 funding to be directed towards foot/cycle bridge across river.

Neighbour (Trent Basin): Enthusiastic to see the development progress quickly, so the whole Trent Basin / Trent Waterside gains momentum and hopefully will provide some community facilities, direct access through to Colwick County Park and improved sustainable transport provision,

Additional consultation letters sent to:

Environmental Health: Under further review and to be confirmed. All existing environmental noises must be taken into account and a sound insulation scheme will be required to ensure that all of the proposed dwellings will achieve the required internal noise levels. Post completion testing and verification will also be required. Other recommended conditions including contaminated land, noise from any plant serving the development, and piling/foundation matters.

Highways: No objection subject to conditions.

Drainage: No objection. Satisfied that development will provide a betterment to the site subject to further detailed design phase, which should be conditioned.

Environment Agency: No objection subject to contamination remediation condition.

Biodiversity: There is a lack of greenspace and ecological enhancement within the site. As well as greater consideration for greening of the site, a landscaping plan for the site should be made a condition of any permission.

Regeneration: In terms of affordable housing, the applicant is intending to provide shared ownership affordable housing on this site despite the lack of viability for affordable housing. Rather than being funded through a planning obligation the shared ownership homes will be subsidised by grant from the Homes and Communities Agency. The intention is that 20 of the 73 homes planned for this site will be for shared ownership, more than would be required via a S106 contribution. Share ownership tenure is an appropriate tenure for this area as it fits within the wider ethos of the Regeneration Zones intentions to provide aspiration housing while allowing access to home ownership in the area to people who would otherwise not be able to afford to live there.

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, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 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 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 - Density.

H5 - Affordable Housing.

MU7 - Waterside Regeneration Zone Sites. (MU7.2 Trent Lane Basin)

R2 - Open Space in New Development.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

T10 - Management of the Highway Network (T10.4 Waterside Regeneration Zone)

Waterside Regeneration Interim Planning Guidance – November 2001

Aligned Core Strategies (September 2014)

Policy 1 - Climate Change

Policy 7 - Regeneration

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Policy 16 - Green Infrastructure, Parks and Open Space

Policy 17 - Biodiversity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

- (i) The development will provide for the appropriate regeneration of the area.
- (ii) The overall density and layout of development is appropriate for this location.
- (iii) The scale and design of the buildings and open spaces will provide a strong sense of character and identity.

Issue (i) Regeneration (Policies ST1, MU7/MU7.2 and Policy 7)

- 7.1 The application site falls within the Waterside Regeneration Zone and is an allocated site for mixed use redevelopment (MU7.2).
- 7.2 The regeneration policies of the Local Plan and Aligned Core Strategies positively promote development proposals which contribute to the creation of a new mixed use riverside quarter in the Waterside Regeneration Zone, with appropriate supporting facilities and strong links to surrounding communities and the riverside. Policy ST1(d) also supports the use of previously developed land in the context of the formation of sustainable communities and a successful economy.
- 7.3 It is appropriate to reinforce the regeneration that has already started at Trent Basin and at the Eastpoint retail scheme on Daleside Road with the provision of a good quality development that is of an appropriate density, layout and design to its riverside setting. Whilst the proposal is for the single use redevelopment of the site for housing, it is recognised that opportunity to provide a mix of uses on adjacent sites in future developments is still be capable of being realised as part of the wider regeneration of the area. It is therefore considered that the proposed development will strengthen the further phased regeneration of the Waterside area and accords with Policies ST1, MU7/MU7.2, and Policy 7.
- 7.4 The Waterside Regeneration Interim Planning Guidance and Trent Lane Planning Brief provide strategic guidance in relation to the redevelopment of the area. These documents were prepared in 2001 and 2002 and should be afforded very limited weight. The proposed development is for the redevelopment of the site for houses and apartments. As above, it is considered that it is appropriate to encourage the on-going regeneration of the area, which is in accordance with the overall aims of these documents.

Issue (ii) Density and Layout (Policies H2, T3 and Policies 8, 10 and 14)

- 7.5 The proposed mix of 50 two, three and four bed family townhouse dwellings is considered to be compatible with the emerging character of the Waterside/Trent Basin area, with the overall density including the proposed 23 apartments equating to 65 dwellings per hectare.
- 7.6 The layout of the proposed development has been substantially revised since the first submission of the application. The proposed dwellings are arranged to provide a good perimeter block structure, facing onto Trent Lane and towards the new access roads and either with back-to-back gardens or onto the boundaries of the site where further future development is anticipated. There is also consistency to the structure of the layout, with a notional building line being offset by the variety of housetypes being used. Raised planters to the fronts of the proposed dwelling,

street trees and other landscaping will provide further definition to the street scene whilst also softening the edges of the proposed development. Vehicle access and car parking has been integrated within the proposed layout and with the majority of plots having forecourt car parking spaces and to the side elevations of dwellings that will not dominate the street scene of the development.

- 7.7 It is considered that the proposed density and layout of the development is appropriate to the site and area and accords with Policy H2 of the Local Plan and Policies 8 and 10 of the Aligned Core Strategies.
- 7.8 Highways have no objection to the proposed layout subject to conditions, which is therefore considered to accord with Policy T3 of the Local Plan and Policy 14 of the Aligned Core Strategies.

Issue (iii) Scale and Design (Policy 10)

- 7.8 The proposed development comprises a range of eight house types in two and three storey and with a unifying contemporary aesthetic. Three storey house types are included along Trent Lane and reflect the scale of those that have been developed opposite as part of Phase 1 of Trent Basin. A mix of two and three storey house types are arranged in short terraces and semi-detached buildings along the proposed new and improved access roads, with both continuity and variety being provided to the street scene through the arrangement of these house types. The proposed four storey apartments building is positioned to the end of the new access road and will provide an axis focal point. The orientation and scale of the proposed apartments building is also designed with regard to the layout of adjacent house types and is not considered to impact upon neighbouring development, including the significantly larger apartment block of River Crescent, which is adjacent.
- 7.9 All of the proposed dwellings are to have traditional buff brickwork facades and it is considered that the use of a consistent palette of good quality materials is important to help create the desired sense of character and place to the development. Details including generous window openings, corner window elements, and chamfered cills are considered to provide important modelling to the elevations. Roof terraces to the three storey house types and balcony terraces to many of the apartment units are further significant features that will provide variety and interest to the street scene.
- 7.10 It is considered that the proposed scale and design of the development is appropriate to the site and area and, in association with the aspects of density and layout above, will create a cluster of distinctive contemporary dwellings that will reinforce the emerging quality and wider regeneration of the waterside area. The proposed development is, therefore, considered to accord with Policy 10.

Other Matters

Flood Risk and Drainage (Policy NE10, Policy 1)

- 7.11 The application site is identified to fall within Flood Zone 2, where the Environment Agency have advised that standing advice would apply and that they have no objection to the proposed development subject to contamination remediation conditions. The sequential test has previously been confirmed for developments within the Waterside Regeneration Zone subject to conditions, including the setting

of minimum floor levels. Accordingly it is considered that the proposed development accords with Policy NE10 and Policy 1.

- 7.12 The comments of the Drainage Team are noted and it is recommended that a condition to require further details of site drainage measures is attached to a planning permission. Subject to this condition it is considered that the proposed development accords with Policy NE10.

Pollution and Contamination (Policies NE9 and NE12)

- 7.13 The application site is located in an area where there are levels of noise that could have an adverse effect upon the proposed development. A robust sound insulation scheme is required and the details of this, which now relate to the substantially revised proposals, are being reviewed by the Environmental Health team at the time of completing this report. An update on this matter will therefore be provided to Committee. Other recommended conditions including contaminated land, noise from any plant serving the development, and piling/foundation matters are noted and included within the draft decision notice. The Environment Agency's above request for a contamination remediation conditions has also been reflected in the draft decision notice. Subject to the further comments of the Environmental Health team, it is considered that the proposed development accords with Policies NE9 and NE12.

Planning Obligations: (Policies ST1, H5, R2 and Policy 8)

- 7.14 The planning obligations in the form of commuted sum payments have been calculated as (i) Affordable housing - £537,000; (ii) Open space – £92,565.24; (iii) Education - £284,974. The total potential contribution would therefore be £914,539.24.
- 7.15 The applicant has submitted a viability appraisal, which has been independently reviewed by the District Valuer. The District Valuer has advised that a developer's reasonable target return for a scheme of this nature is 15% to 20% of Gross Development Value (GDV). With the inclusion of the above S106 contributions, the District Valuer advises that the developer's profit would be 4.22% of GDV and would not be viable. The District Valuer also advises that even with the exclusion of S106 contributions the developer's profit would be 10.12% of GDV and therefore still below the District Valuer's benchmark for viability. Accordingly the District Valuer concludes that the proposed development is not viable and cannot support the provision of S106 financial contributions.
- 7.16 It is, however, to be noted that Regeneration advises that the development is intended to provide shared ownership affordable housing under a grant from the Homes and Communities Agency and that this provision would be more than the affordable housing contribution that would be required via a S106, if it were delivered.
- 7.17 In the light of the viability advice from the District Valuer and regeneration benefits of the on-going development of the Waterside Regeneration Zone it is therefore considered that a sufficient case has been made to waive S106 in this particular instance.
- 7.18 The new access road being provided off Trent Lane is continued through the site to a point on the eastern boundary where, subject to a future short connection through

the adjacent site, it would connect with Waterside Way/River Crescent apartments and would continue onto Racecourse Road further to the east. This future connection accords with Policy T10.4 as a proposed highway scheme within the Local Plan. It is important that the ability to provide this future road connection is protected and it is therefore proposed that this is defined within a S106 planning obligation in order to prevent any development or legal obstacle to this future road connection being provided (e.g. ransom strip). The ability to form a highway connection to the neighbouring potential development site to the south is also proposed to be secured on the same basis. The obligations are therefore necessary to make the development acceptable in planning terms, they directly relate to the development and (c) fairly and reasonably related in scale and kind to the development.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The application proposes that significant CO2 emissions savings can be made through passive energy efficiency measures such as improving the building's fabric efficiency, and employing higher efficiency equipment for the building services (between 24 and 28% for all dwelling types). It is considered that a 'fabric-first' approach is an appropriate means to achieve carbon reduction targets and accords with Policy 1. The provision of charging points for electric vehicles at the car parking space serving individual dwellings is a recommended planning condition in accordance with paragraph 35 of the National Planning Policy Framework.

9 FINANCIAL IMPLICATIONS

The planning obligations in the form of commuted sum payments have been calculated as (i) Affordable housing - £537,000; (ii) Open space – £92,565.24; (iii) Education - £284,974. The applicant has also assumed a contribution of £18,968 towards local employment and training. The total potential commuted sum contribution would therefore be £933,507.24.

A viability appraisal for the proposed development has been reviewed by the District Valuer, who advises that the proposed development is not viable and cannot support the provision of S106 (para. 7.15 above).

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

Ensuring Nottingham's workforce is skilled.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 17/01930/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OVG2OMLYK6O00>

2. Environmental Health, 23.11.17, 27.11.17, 8.1.18

3. Highways, 29.11.17

4. Biodiversity, 24.10.17

5. Drainage, 30.10.17

6. Regeneration, 24.11.17

7. Neighbour, 23.10.17

8. Neighbour, 23.10.17

9. Neighbour, 23.10.17

10. Neighbour, 23.10.17

11. Neighbour, 24.10.17

12. Neighbour, 17.11.17

13. Neighbour, 27.11.17

14. Neighbour, 4.12.17

15. Neighbour, 28.4.18

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

Waterside Regeneration Interim Planning Guidance – November 2001

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