

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Rocky Mount, Barrack Lane

1 SUMMARY

Application No: 14/01401/PFUL3 for planning permission

Application by: Signet Planning Ltd on behalf of Walker & Sons (Hauliers) Ltd

Proposal: Redevelopment to provide 16 residential apartments following demolition.

The application is brought to Committee because this is major application on a prominent site where there are complex design considerations.

To meet the Council's Performance Targets this application should be determined by 19th September 2014

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION for the reasons set out in the report subject to:

- a) prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A financial contribution for off-site provision or improvement of open space or public realm.
- b) the indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management and Regeneration.

2.2 That Councillors 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

SITE

- 3.1 Situated on the west side of Barrack Lane on the north-western edge of the Park Conservation Area, the application site comprises Rocky Mount, a 3-storey late Victorian / Edwardian property and its former garden, from which it has been

separated in the past. The site slopes steeply down from its Barrack Lane frontage to Derby Road. The house occupies an elevated position, it being 4 metres above the main road level. The site frontage to Derby Road is enclosed by a substantial Bulwell stone wall, 3 to 4 metres high. Rocky Mount itself abuts Nos.171-173 Derby Road, a terrace of shops with 4 storeys of accommodation above. Rocky Mount has been vacant for approximately 12 years and was last occupied as flats. There have been problems of fly tipping and squatting at the site.

- 3.2 The application site also includes the adjacent long narrow plot of open land, a disused garden, originally part of the garden serving Rocky Mount. The former garden descends steeply to Derby Road, which is almost 2 storeys lower than the Barrack Lane frontage. This frontage was formerly occupied by some garages, which have been demolished, leaving the concrete bases.
- 3.3 There is a block of 3 garages fronting onto Derby Road at the west end of the site which are currently unused and vandalised.
- 3.4 Abutting the site to the north are the blank end walls of the adjacent shops and flats fronting Derby Road with their outbuildings. To the south of the site is No 4 Barrack Lane, a smaller scale detached, two-storey property subdivided into two flats with hard standing area fronting Barrack Lane for off street parking.
- 3.5 There are two mature street trees on Derby Road outside the application site. There is a limited amount of on street parking serving the shops, with a bus lane starting beyond that along this stretch of Derby Road and a pedestrian crossing close to the junction of Harlaxton Drive with Derby Road.
- 3.6 The character of this part of the Park Conservation Area is predominantly residential with a mix of house styles and ages and some higher density commercial properties . There is a strong feeling of containment behind high stone walls along both the east side of Barrack Lane (the old Park Estate boundary) and the Derby Road frontage. The west side of Barrack Lane is characterised by dwellings whose principal elevations face west over the rear gardens, whilst garages and subsidiary wings of the buildings project towards the street. The range of buildings containing the shops are older than the others on the west side of Barrack Lane, have a more complex form and are higher.

RELEVANT PLANNING HISTORY

- 4.1 Planning permission reference 03/02241/PFUL3 was granted in October 2004 for the erection of new residential development comprising 16 apartments with undercroft car parking accessed from Derby Road, following the demolition of Rocky Mount and the three redundant garages. The permission expired in October 2009.
- 4.2 Conservation Area Consent Reference: 06/01789/LCAC1 was granted in November 2009 for the demolition of Rocky Mount to facilitate redevelopment. The consent expired in November 2009.
- 4.3 Planning permission and conservation area consent references: 09/03009//PFUL3 & 09/03010/LCAC1 proposed the renewal of planning permission references 03/02241/PFUL3 & 06/01789/LCAC1, for 16 apartments with undercroft car parking, following the demolition of Rocky Mount and the three redundant garages. Both renewal applications were refused in January 2010 as at the time it was

considered there had been a change in planning circumstances to warrant the decision. This was on the grounds that the proposal would result in the loss of an original estate house of historical and architectural interest, which makes a positive contribution to the character and appearance of the Park Conservation Area, and the schemes footprint, form, mass, scale and density would fail to preserve or enhance the character and appearance of the Park Conservation Area.

- 4.4 Both planning decisions references: 09/03009//PFUL3 & 09/03010/LCAC1 were appealed and subsequently dismissed. However, the dismissals were not related to the principle of the development or its layout or design but instead were because no S106 agreement securing off site open space contribution had been provided by the developer. In reaching his decision, the Inspector concluded that Rocky Mount did not make a positive contribution to the conservation area and supported its demolition. He also concluded that the proposed building was acceptable and would preserve and enhance the character and appearance of the Park Conservation Area. The Inspector found no change in the circumstances to those that existed at the time of the original grant of planning permission in 2004, when the Council had considered that the proposal was acceptable. Full costs arising from the appeal were awarded to the appellants. The appeal decision which was made in 2011 is therefore a material planning consideration which should be afforded appropriate weight in the consideration of the current proposal.
- 4.5 Planning application and conservation area consent references 13/01787/PFUL3 and 13/01788/LCAC1 proposed 16 apartments following demolition of Rocky Mount. This scheme varied in scale and design to the previous appeal scheme. Both applications were withdrawn in October 2013 following concerns over the design.

DETAILS OF THE PROPOSAL

Two applications have been submitted:

- 4.6 Planning reference: 14/01402/PFUL3 is for conservation area consent and proposes the demolition of Rocky Mount and the three redundant garages. Planning reference: 14/01401/PFUL3 is for permission, following the demolition, to redevelop the site providing 16 apartments with undercroft car parking accessed from Derby Road.
- 4.7 The proposal is very similar to the previous scheme tested on appeal in 2011. There would be 15 x two bedroom units and 1 x three bedroom duplex unit. The 16 apartments would be split over 7 levels (level – 3 to level +3). The average flat sizes are 91m².
- 4.8 The proposed development represents a complex form comprising three linked elements. It also proposes a significant amount of excavation.
- 4.9 'The Gateway Block' fronts Derby Road and extends up behind the existing stone retaining wall to above the height of the Bancroft building by approx 2 metres. This part of the scheme includes a stone gabled roof, above 6/7 levels of accommodation. The building facade returns into the site incorporating a bay window which projects at high level overlooking the main road. The wall kicks back into the site and returns, dropping in height to meet the block adjacent to 4 Barrack Lane which is set at a lower level enclosing the front courtyard. At the west end of the Derby Road elevation the '4 Barrack Lane block' turns in perpendicular to the

street front in the form of two brickwork stepped gables which are 3 - 4 storeys in height. The stepping down in height from the Bancroft end of the development to the 4 Barrack Lane end reflects the reducing of adjacent buildings and the 'edge' nature of the site.

- 4.10 The proposal includes extending the stonewall to the south west of the site along Derby Road to cover the gap left by the demolished garages. The scheme proposes the introduction of a stone pergola above the existing stonewall to enclose the courtyard area behind.
- 4.11 The part of the development fronting Barrack Lane is smaller in scale and comprises 1.5 storeys in height, projecting towards the back edge of footway. There are pedestrian entrances to the development from Barrack Lane. There is another smaller hard surfaced courtyard area behind the block facing Barrack Lane.
- 4.12 Whilst the overall design is very similar to the previous scheme tested on appeal in 2011, a number of changes have been made to less successful elements of the previously approved scheme. The changes are designed to make the scheme more efficient and cost effective in its internal layout, and issues such as liveability have been improved:
- The undercroft parking area accessed off Derby Road has increased in size from 515m² to 595m² by cutting further into the site and the reduction to one circulation core. The manoeuvring space of vehicles has also been improved and there is larger space for cycle storage and plant area. There is now a combined single in/out arrangement rather than two separate access / egress points. The vehicular access is set back by 5m from the edge of pavement to the roller shutter gate.
 - A single lift within the building is now proposed and it has been relocated from its previous location adjacent to the Bancroft building in line with the north courtyard wall. The lift is also slightly deeper and taller than previously.
 - The layout has been amended so that only one flat per level overlooks the smaller courtyard behind the Barrack Lane block, rather than two previously, thus privacy is enhanced.
 - In terms of the Barrack Lane elevation, at level 0 the northern gable to the single storey element is splayed parallel with the northern boundary. This has resulted from flat 12 requiring its own access. There is also an additional gable introduced to the Barrack Lane elevation.

The building has largely 'traditional' appearance and form and comprises a complex mix of pitched roofs and gables. The proposed materials to be used in the construction of the building are red brick, slate roofs, Bulwell stone and hardwood timber windows.

- 4.13 The developer is offering local employment and training opportunities during the construction phase of the development. The mechanisms for providing these benefits will be by way of a S106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted: 1, 3, First floor flat 4, 4, 5, 6, Ground Floor Flat 6 , First Floor Flat 6 , 8, 8a, 10-22, Flats 1- 4 20, 22a, 26 Barrack Lane
Flat 7 Cavendish Place Cavendish Crescent South
11 Yeoman's Court Clumber Rd West
Flats 1-6 Maitland House, Flats 1-5 Bancroft, Bankcroft, Maisonette 159, 159 – 171

Living Accommodation Over 161, 173, Flat Over 173, 226, Flats 1-3 226, 228, 230-234 Flat 1 236, Flats 1-4 236, 236 Derby Road
Oxford House Oxford Street
8 – 16, 13b, 17, 17a Pelham Crescent
Littlewood & Company 7 Russell Place
11b, 12 western Terrace

The application has been advertised by a site notice and press advert. In addition the below neighbouring/local properties have been directly consulted on both planning applications:

16 letters have been received raising the following objections:

- Rocky Mount, within its original garden, is identified as an Original Estate House, which contributes positively to the character and appearance of the Conservation Area. This type of site and density is typical of the conservation area and reflects the plots in the Park whereas the demolition and redevelopment of the Rocky Mount site would have a harmful effect on the character of the area.
- The proposal would be contrary to the Park Management Plan (2007), which states there is a presumption in favour of retaining the original Park houses, original gardens and boundary walls.
- The proposed scale, mass, density, footprint, design and affect of setting on adjoining properties of the development will be harmful to the character and appearance of the conservation area.
It overwhelms the plot and is totally out of keeping with the character of the area.
- If demolition is allowed a replacement building should be the same size and same position as the existing, allowing the aspect of the lane to open up between those few properties forming an arc to the building line.
- The building owners should not be allowed to let the building continue to deteriorate with the view that they will be allowed to demolish it as it is becoming more dilapidated.
- To resubmit the same scheme which has been refused for numerous reasons previously is questionable.
- The previous reasons for refusal should be imposed.
- The proposal would destroy the green outlook of Rocky Mount's grounds and threaten natural wildlife that populates its garden area.
- The property could be restored as a family dwelling for which there is a demand.
- There is already a high proportion of student accommodation along Barrack Lane which brings antisocial problems. There is a concern that the proposed scheme could be occupied by a further 32 Students which will exacerbate existing problems and does not create a sustainable balanced community.
- Extensive excavations and associated groundwork will be required. The associated digging and vibrations may cause damage to the surrounding sandstone and neighbouring properties, their structure and decorations.
- The demolition will cause disruption, dust and noise pollution.
- Vehicular access and egress from Derby Road is unacceptable on highway safety grounds given the site is below the summit of the hill on the bus and cycle lanes, reducing visibility. It would be near to shops, a pedestrian crossing, bus stop and will increase the risk of accidents.
- It will exacerbate traffic, parking and access problems for residents and pedestrians of Barrack Lane and Pelham Crescent which are very narrow. Construction vehicles parked on Barrack Lane will cause an obstruction. Emergency vehicles cannot access various properties on Barrack Lane and this will be worsened.

- There is inadequate parking provision for the scheme. Residents of the development will try and park on Barrack Lane.
- Passing vehicles along Barrack Lane is already very difficult and pedestrians are often forced to walk on the road due to parked vehicles this will be exacerbated if allowed.
- Although the majority of the time there is a permit parking scheme in place, outside of these times there will not be enough parking for residents in the area.
- A shop owner on Derby Road is concerned that some of the existing parking spaces on Derby Road may be removed to provide safe access to the site for potentially a large number of cars .
- There is a concern for shop owners that overflow parking from the site would block parking spaces for potential customers given that there is already heavy use of any available parking on Barrack lane due to the HMOs in the area .
- Photographs showing empty parking bays on Derby Road are inaccurate. In term-time, these parking spaces are in near constant use, chiefly by visitors to the adjacent retail outlets. This is what these parking spaces were designed for, not primary residential parking.
- No consultation (by the developer) was made with any of the neighbours either on Barrack Lane or Pelham Crescent.

Additional consultation letters sent to:

Noise and Pollution Control: recommend conditions requiring a noise assessment, sound insulation scheme and complementary acoustic ventilation.

Highways: The number of car parking spaces is considered acceptable given the site's accessible and sustainable location. It is unclear how many cycle spaces will be made available in the basement. Any redundant dropped kerbs should be reinstated to full height kerb. The bellmouth arrangement is over engineered for the level of traffic which will be utilising the access in the future. Instead a dropped crossing arrangement is preferred and should be updated prior to determination. The existing street lighting column also needs to be included. The position of the access appears as far as west possible which maximises visibility for emerging vehicles, and the entrance is set back sufficiently from the back of the carriageway to avoid vehicles queuing to enter the car park. The view of Road Safety remains as the 2013 application; this location is considered no worse than other locations across the City. There is some concern over the size of parking spaces and it is recommended these be tracked. It is recommended that an advisory note be attached to the decision reminding the applicant that the property will not benefit from inclusion within the Barrack Lane Residents Parking Scheme.

Drainage: In the drainage statement the applicant is planning on using attenuation in the form of a hydrobrake. A number of queries have been raised with respect to how 30% betterment will be achieved which have been raised with the applicants.

English Heritage: Recommend that the application is determined in line with Planning (Listed Buildings and Conservation Areas) Act 1990 – section 72, and the NPPF. The LPA should be satisfied that there is clear and convincing justification for the proposal; that in weighing the degree of harm against the public benefit, this benefit is clearly demonstrated and can only be accommodated in this form, on this site. It is strongly recommended the LPA is satisfied that this development will create a high quality housing scheme reflected in the quality of detail, appropriate materials and finishes.

Neighbourhood Enforcement Officer, Environmental Health: The 3 bedroom apartment will fall under the Council's additional licensing scheme and there are certain amenity standards that are required to be met.

Biodiversity Officer: The updated bat report and badger report are both acceptable.

Nottinghamshire Wildlife Trust: Request that a protected species survey be carried out before a planning decision is made, as the possible presence of bats within the building being demolished should be a material planning consideration when deciding this application.

Heritage and Urban Design: The overall design, which is very similar to the previous 2004 scheme that has been approved by Committee and has been endorsed by an Inspector, is still considered to be appropriate to the local context. The success of the scheme will be dependant upon achieving high quality detailing, appropriate materials and finishes. Further assurances are therefore sought in this regard.

Tree Officer: The revised layout (from previous proposals) addresses concerns about the loss of an important street tree, which is now shown retained.

A pre commencement Arborecultural Method Statement focussing on that retained street tree, and a landscaping condition that provides for replacement of the second street tree on a 2:1 basis, is requested. That can be arranged through the Highway Agreement. There are plenty of planting opportunities along this section of Derby Road, which is characterised by London Plane.

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, which are set out in the report, 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 and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking 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 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.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

- 6.5 Paragraphs 131 – 132 states that in determining planning applications, LPA's should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.6 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation in a proportionate way. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 6.7 Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.8 LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Nottingham Local Plan (November 2005):

BE2 – Layout and Community Safety

BE3 - Building Design.

BE4 - Sustainability in Design.

BE12 - Development in Conservation Areas.

BE13 - Demolition in Conservation Areas.

H2 - Density.

H3 - Appropriate Housing Types.

NE3 - Conservation of Species.

NE5 - Trees

R2 – Open Space in New Development

ST1 - Sustainable Communities.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (ACS) Publication Version (2012) with modifications (2014)

- 6.9 Paragraph 216 of Annex 1 of the NPPF states that from the day of publication, weight to relevant policies in emerging plans can be given according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the emerging plan policies to the NPPF. The Inspector's final report has now been issued, which concludes that the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies provide an appropriate basis for the planning of the plan area over the next 14 years and is sound. The Council will now consider the Inspector's recommendations with a view to formal adoption of the plan which is likely to be in September 2014. The following emerging policies are considered relevant:

Policy 8 – Housing Size, Mix and Choice

Policy 10 – Design and Enhancing Local Identity

Policy 11 – The Historic Environment

The Park Conservation Area Character Appraisal and Management Plan (August 2007) PCAA&MP

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) The demolition of Rocky Mount
- ii) Impact upon the character and appearance of The Park Conservation Area
- iii) Impact upon amenities
- iv) Highway safety and parking considerations
- v) Building Balanced Communities strategy
- vi) Biodiversity and Trees
- vii) Section 106 considerations

Issue (i) Demolition of Rocky Mount (Policy BE13)

- 7.1 Policy BE13 deals with the demolition of buildings in conservation areas and seeks to retain buildings that make a positive contribution to the special character of conservation areas, subject to the condition of the building, the cost of repair and maintaining it in relation to its importance, the value derived from its continued use and the merits of alternative proposals. This issue has been the subject of detailed assessment at the planning appeal which was decided in January 2011 and is a material planning consideration which should be afforded a substantial degree of weight.
- 7.2 At the planning appeal the Inspector concurred with reasons for the previous 2006 decision to demolish Rocky Mount (referred to in paragraph 4.2) and considered there had been no change in circumstances since the time of the original approval to warrant a refusal. He considered that Rocky Mount:
- has no distinctive or special architectural or historic interest of the kind typified by earlier buildings of the planned Park Estate.
 - It only appears on the 1902 OS Map and therefore does not appear to be one of the original estate houses even though it is identified as such within the PCAA&MP.
 - Whilst it has survived relatively unaltered, it is in a poor condition.

- It is not within the Park Estate boundary, has a poor relationship with adjoining buildings and the streetscene from both Barrack Lane and Derby Road and does not reflect the special interest that warranted designation of the Park as a conservation area.

7.3 The Inspector concluded that as the building does not make a positive contribution to the conservation area, there is no necessity for the three tests (as above) attached to Policy BE13 to be considered. It can therefore be concluded that the proposal for demolition would comply with Policy BE13 and would not conflict with primary guidance PCAA&MP.

Issue (ii) Character and Appearance of the Conservation Area (Policies BE3, BE12, ACS Policies 10 &11, NPPF and PCAA&MP)

7.4 The only material considerations that have arisen since the appeal decision in 2011 are the publication of the NPPF and advancement of the ACS to the point of adoption. However, it is felt that neither would justify a departure from the approach taken by the Inspector. Concerning the NPPF, the loss of this building, for the reasons set out above, would constitute less than substantial harm in terms of the significance of this heritage asset. This would be off set by the public benefit of developing a long term dilapidated and derelict site.

Policy BE12 seeks to ensure that new development preserves or enhances the character or appearance of conservation areas. This issue was assessed in detail during the appeal. The Inspector agreed with the Council's reasons for approving the 2004 scheme which is very similar to the current proposal.

Architecture

7.5 The Inspector considered that the 2004 scheme, exhibited a high quality of design that would complement the traditional Victorian architecture of the Park and was respectful of local context. Rocky Mount was considered by the Inspector to have an aesthetically poor relationship to the older adjacent Derby Road building with its western side garden creating an unbalanced gap in the townscape and a weak edge to the conservation area.

Scale and Mass

7.6 At the 2011 appeal the Inspector rejected the Council's concerns over the building's footprint, scale and density. It was highlighted that the character of this part of the conservation area did not reflect the general character identified in the PCAA&MP. In that context Derby Road has buildings of varied height sited at the back of footway and the entrance to Barrack Lane is narrow and confined with subsequent frontage buildings generally having small front gardens, often hard surfaced with built elements up to or close to the footway. It does not form part of the formally laid out Park estate. The 2004 and current scheme both involve a complex building of three main elements. Each element differs in height, scale and mass to reflect the varying context of the site. The design of the building has a vertical emphasis, a series of interesting and varied roof forms with gables and bays, all of which break up the building's mass and create visual interest.

7.7 In addressing the residents' concerns over the scale, although the Gateway block is the highest part of the scheme, it is only slightly taller (2m) than the Bancroft building on Derby Road and it is not considered to be over dominating. The

building then cascades down towards the south west of the site. The series of varying pitched roofs reflect the character and appearance of the area, which creates an interesting and varied roofscape. The Barrack Lane element is of a smaller scale compared to the rest of the scheme to reflect the surrounding context and topography of the site. The Inspector concluded that the height and form of the building would not contrast with adjacent buildings and the design would enhance the character of the area. Whilst guidance in PCAA&MP suggests that any increase in height compared to adjoining buildings should be resisted, the circumstances of each case must be assessed on their own merits against development plan policy guidance.

Footprint and Density

- 7.8 The Inspector agreed that development on the edge of the Park Conservation Area tends to be more intensive and given the perimeter site context, the proposal to develop over the majority of the site would aid the character of the area and the lack of a frontage garden to provide a setting would not prevent the integration of this building into this part of the conservation area. The rising levels of the scheme would reflect the general situation found in these properties along the steep slope between Barrack Lane and Derby Road, where built form predominates at varying levels. The Inspector did not consider that the proposed density of 16 apartments would be inappropriate for this particular area.

Materials

- 7.9 The scheme utilises high quality materials such as red brick, Bulwell stone hardwood timber windows and slate.

Changes to Current Scheme

- 7.10 One of the main changes to the current scheme in comparison to the previous appeal scheme is the single combined vehicular in/out arrangement onto Derby Road, rather than two separate openings. The reduction in the number of openings is an improvement to the street scene and the opening on Derby Road has been kept as narrow as practicable and carefully detailed by way of extending the Bulwell stone wall to replace the vandalised garages and incorporating stone lintels.
- 7.11 The scheme has been amended to include a single lift rather than two and this has resulted in the lift being relocated from its previous position adjacent to Bancroft on Barrack Lane. The lift now sits in line with the north courtyard wall further south along Barrack Lane. The lift is slightly deeper and taller than its previous counterpart but is still considered to an acceptable addition to the streetscene along Barrack Lane. It has also been designed as a feature tower element to add interest to this elevation.
- 7.12 In conclusion, the proposed building would therefore preserve and enhance the character and appearance of the Park Conservation Area and make a positive contribution to local character and distinctiveness. It would comply with Policies BE3, BE12 Nottingham Local Plan 2005, ACS policy 10, the NPPF and the PCAA&MP 2007.

Issue (iii) Impact upon Amenities (Policy BE3)

- 7.13 It is considered that there has not been a material change in planning

circumstances since the time of the original 2004 permission with respect to the impact of the development upon the amenities of neighbouring occupiers. This view was shared by the Inspector at the 2011 appeal and is considered below:

- 7.14 The properties to the north and south of the site namely Bancroft and No 4 Barrack Lane respectively are the closest to the proposed building. In terms of the impact of the development on the living conditions of the adjoining occupiers, it is recognised that there will be some effect, infilling the site with a higher density form of development. However, it is not considered that it will result in material harm.
- 7.15 The proposal will result in some loss of light to a window in the flank elevation of No 4 Barrack Lane. However, the window is obscurely glazed and there is another window which serves the living room facing (east) to the rear.
- 7.16 The western portion of the 'block adjacent to No 4 Barrack Lane' would be 3/4 stories in height . However, as the roof pitch slopes away from No 4, any potential dominating impact is reduced. The building has been designed such that there is one window and two doors windows facing south towards No. 4. However, these openings serve non-habitable rooms (corridors) and are at oblique angles to No 4. However, a condition is recommended ensuring the glazing within the window and doors is opaque. Given the orientation of the site and its relationship with No 4's garden, being to the south of the site, there is unlikely to be a material loss of sunlight / daylight to No 4 or its garden.
- 7.17 The proposed development is unlikely to materially affect No 6. This is on the basis that although there are some windows in the flank elevation to Barrack Lane, the windows are approximately 13 metres away from the new build scheme where it is under 2 storeys in height. Furthermore some of the windows in the flank of No 6 are obscurely glazed and the other windows serve the kitchen area. As there are no windows in the south elevation of the scheme, there will be no overlooking issues.
- 7.18 With regards to the effect upon Bancroft, the revised position of the lift tower element, being further away from the building will have less impact than the previous location which was immediately adjacent to the Bancroft building and potentially would have cast a slight shadow in the afternoon to the small window at the top floor of Bancroft. Overall, the relationship between the two buildings is considered to be acceptable.
- 7.19 It is unlikely that any of the properties to the east of the site i.e. on the other side of Barrack Lane and the backs of the properties on Pelham Crescent, will be affected adversely by the development. This is because these properties are located at a slightly elevated position to the scheme, the rear gardens are enclosed with a fairly tall >2m high brick wall, and the closest dwelling is situated some 16 metres away.
- 7.20 Although there will be some effect upon the neighbours to the north and south of the site, on balance the scheme is considered acceptable in terms of policy BE3.

Issue (iv) Impact upon Highway Safety and Parking (Policies BE2 and T3)

- 7.21 In addressing neighbours concerns over parking, the sixteen car parking spaces provided by the underground car park are considered to be acceptable in this location, representing the local plan standard of one for each apartment, as the site is within walking distance of the City Centre, a range of facilities and

accessible public transport services. Government advice states that local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances. This is reflected in the Local Plan, which sets out maximum rather than minimum requirements for parking. Furthermore there are no highway objections to the level of parking or to the position of the vehicular entrance in terms of highway safety. The outstanding issues raised by Highways in relation to the bellmouth / dropped kerb and street lighting column are expected to be resolved by negotiation and the outcome of those discussions will be reported to Committee.

- 7.22 Although the access / egress has been combined to a single rather than two separate openings, it is the case that the Inspector also concluded that there would be no unacceptable impact on highway safety, subject to conditions. The proposal is therefore considered to comply with the aims of Policies BE2 and T3.

Issue (v) Balanced Communities (Policy ST1)

- 7.23 Although the application site is outside the City Centre and in a location where family housing is encouraged, it is the case that Rocky Mount was previously occupied as flats and previous permissions have been granted for apartments on this site. An apartment development in this location, which is adjacent to a busy arterial route and with significant levels, constraints that are not ideally suited to family housing, is not therefore considered to compromise the aims of policy ST1. In addressing residents concerns, it is the case that sizeable two bedroom apartments are proposed which are unlikely to be occupied by students. A condition restricting the use to C3 only is recommended. For the reasons set out above the proposal would comply with policy ST1.

Issue (vi) Biodiversity and Tree Considerations (Policies NE3 and NE5)

- 7.24 The tree officer is satisfied with the tree report accompanying the application and in particular that the position of the vehicular entrance / exit will not have a detrimental impact upon the retained street tree. The other existing street tree further east up Derby Road is proposed to be felled but thus not considered to be of particular high amenity value and its replacement is therefore considered to be acceptable.
- 7.25 The updated bat survey and badger report are considered to be acceptable.
- 7.26 The proposal would adhere to the aims of policies NE3 and NE5.

Issue (vii) Section 106 Considerations (Policies R2 and ST1)

- 7.27 A financial contribution of £24,754.00 will be provided for off-site open space provision.

8. SUSTAINABILITY (Policy BE4)

- 8.1 The new apartments would be located in a highly sustainable location, being close to the City Centre and on a frequent bus route along Derby Road. An energy statement accompanying the application demonstrates that that the development would be built to exceed current building regulations through a combination of a photovoltaic (PV) array and improved fabric energy efficiency, to reduce the carbon

emissions of the proposed building by at least 10%. The proposal would therefore comply with policy BE4.

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: would provide high quality and sustainable residential development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction and operation of the development.

Safer Nottingham: would help provide a safer and more attractive neighbourhood.

14 CRIME AND DISORDER ACT IMPLICATIONS

The site has been vacant for approximately 12 years and has experienced problems of fly tipping. The redevelopment of the site for 16 apartments would resolve this problem and greatly enhance natural surveillance and community safety.

15 VALUE FOR MONEY

None.

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

1. Application No: 14/01401/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N724A7LYCB000>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
The National Planning Policy Framework NPPF
Aligned Core Strategy (ACS) Publication Version (2012) with modifications (2014)

The Park Conservation Area Character Appraisal and Management Plan (August 2007) PCAA&MP

Planning Inspectorate decision *on 2009 appeal – references:*

Appeal A: APP/Q3060/A/10/2130708 – relating to redevelopment Appeal B:

APP/Q3060/E/10/2130625 – relating to demolition

- Link to online case file

<http://www.pcs.planningportal.gov.uk/pcsportal/CaseSearchResults.asp>

Contact Officer:

Mrs Nicola Tyrrell, Case Officer, Development Management.

Email: nicola.tyrrell@nottinghamcity.gov.uk. Telephone: 0115 8764082

WARDS AFFECTED: Radford And Park

Item No:

**PLANNING COMMITTEE
20th August 2014**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Rocky Mount, Barrack Lane

1 SUMMARY

Application No: 14/01402/PFUL3 for planning permission

Application by: Signet Planning Ltd on behalf of Walker & Sons (Hauliers) Ltd

Proposal: Demolition of building.

The application is brought to Committee because this is major application on a prominent site where there are complex design considerations.

To meet the Council's Performance Targets this application should be determined by 19th September 2014

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in the report subject to:

- a) the indicative conditions listed in the draft decision notice at the end of this report.

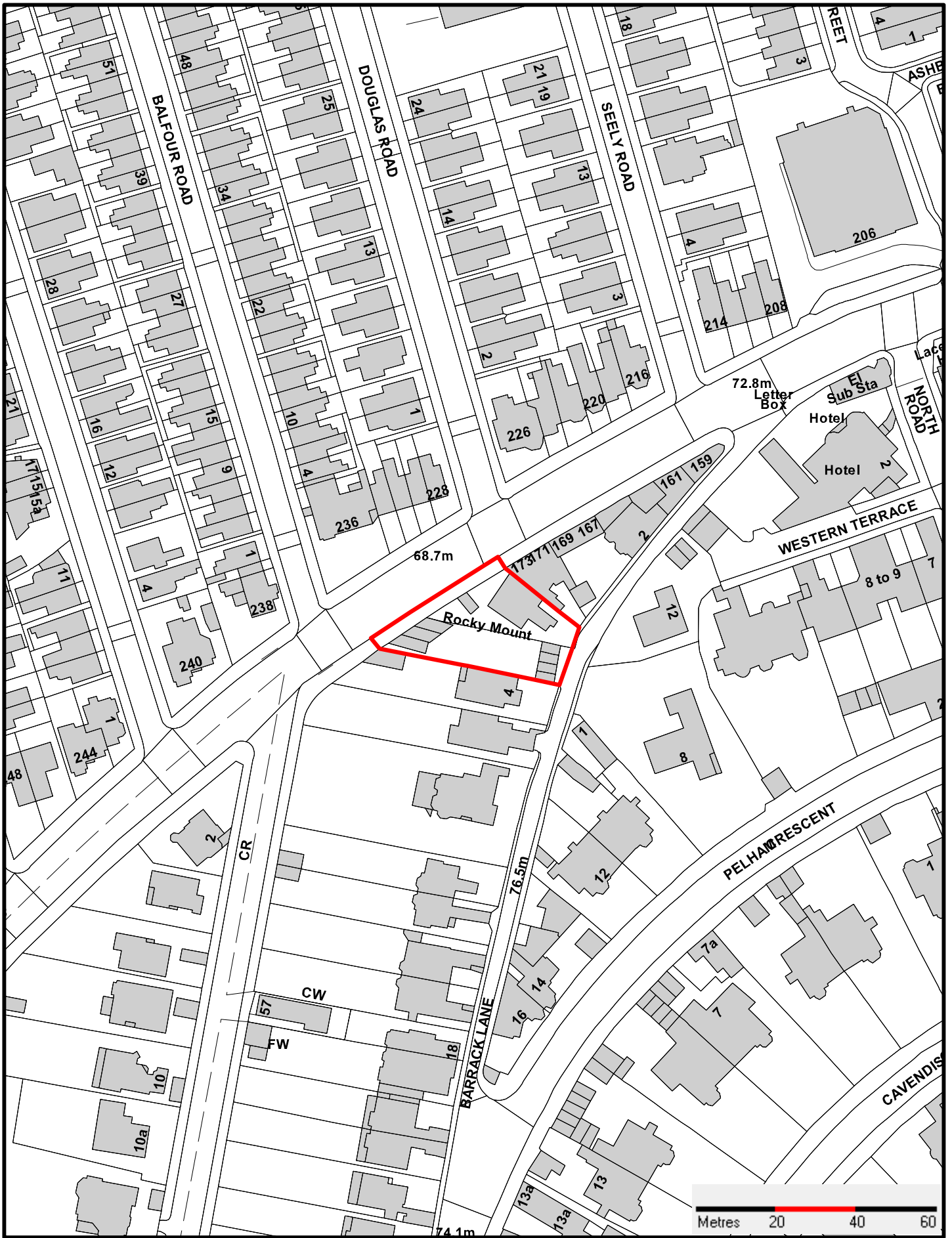
Power to determine the final details of the conditions to be delegated to the Head of Development Management and Regeneration.

For the main body of the report please see report regarding planning application reference: 14/01401/PFUL3 that appears elsewhere on the agenda.

Contact Officer:

Miss N. Tyrrell, Case Officer, Planning Services.

Email: nicola.tyrrell@nottinghamcity.gov.uk. Telephone: 0115 9155299



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Nottingham
City Council

My Ref: 14/01401/PFUL3 (PP-02932208)
Your Ref:
Contact: Mrs Nicola Tyrrell
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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NG2 3NG

Tel: 0115 8764447
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Signet Planning Ltd
Mr Jim Ramsay
Rowe House
10 East Parade
Harrogate
North Yorkshire
HG1 5LT

Date of decision:

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

Application No: 14/01401/PFUL3 (PP-02932208)
Application by: Walker & Sons (Hauliers) Ltd
Location: Rocky Mount, Barrack Lane, Nottingham
Proposal: Redevelopment to provide 16 residential apartments following demolition.

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

| |
|--|
| Time limit |
| 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i> |
| Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work) |
| 2. The development shall not be commenced until details of the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details. <i>Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.</i> |

3. No development shall be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
- a) Large Scale (e.g. 1:10 or 1:20) elevation and section drawings of each of the window and door types proposed to be used in the development to include details of materials and finishes.
 - b) Large Scale (e.g. 1:10 or 1:20) drawings showing details of balustrades and enclosure.
 - c) Large Scale (e.g. 1:10 or 1:20) drawings showing typical sections through the elevations of the building as indicated on the attached extracts from the approved drawings, showing details of depth and treatment of window openings, external reveals, floor edges / eaves, ridges, terraces and balustrade.
 - d) Details of surfacing proposals for those parts of the site which will not be soft landscaped.
 - e) Large Scale (e.g. 1:10 or 1:20) drawings of the treatment to the access arrangements from Derby Road for vehicle and pedestrian access, to include details of the design, materials and finishes of gates.

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

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

4. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority;
- a) a detailed landscaping and planting scheme for the development indicating the type, height, species and location of proposed trees and shrubs;
 - b) details of new street tree planting, including details of location, species, size and planting troughs.

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

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

5. Prior to the commencement of development, details of an environmental noise assessment and sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority. The environmental noise assessment shall be carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority and shall be suitable and sufficient and shall 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.

The submission shall include 1/3rd octave band analysis, and state all assumptions made (e.g. glazing and façade areas) and be designed to achieve the following internal noise levels:

i. Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.

ii. Not more than 45dB LAmax (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

iii. Not more than 55dB LA eq (1 hour) for private residential garden areas (including garden areas associated with residential homes and similar properties).

Where noticeable low frequency noise is present, the submission shall also be designed to achieve the following internal noise levels:

i. Not exceeding NR30 for living rooms between the hours of 07.00 and 23.00.

ii. Not exceeding NR25 for bedrooms between the hours of 23.00 and 07.00.

The sound insulation scheme and any complementary acoustical ventilation, once approved by the Local Planning Authority, shall be installed prior to occupation of the units.

Reason: To ensure a satisfactory standard of residential accommodation is provided and to ensure that the occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.

6. 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.

7. The development shall not be commenced until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policy BE2 of the Local Plan.

Pre-occupation conditions

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

8. 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 ensure a satisfactory standard of residential accommodation is provided and to ensure that the occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.

9. The apartments shall not be occupied until the car parking accommodation has been constructed and individual spaces for vehicles have been marked out and are available for use.

Reason: To ensure there is adequate parking provision in accordance with policy T3 of the Local Plan.

10. The approved landscaping scheme, including the street trees, shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE5 of the Local Plan.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

11. The development shall be carried out in accordance with the recommendations of the 'Protected Species Survey' (2014)

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any re-enactment thereof, the apartments shall not be used other than for purposes defined in Class C3 of The Town and Country Planning (Use Classes) Order 1987, as amended or any re-enactment thereof.

Reason: In the interests of developing sustainable communities in accordance with Policy ST1 of the Nottingham Local Plan.

13. The three openings to the south west elevation shall not be other than opaque glazed.

Reason: To protect the amenities of adjacent occupiers in accordance with Policy BE3 of the Nottingham 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 20 June 2014.

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.

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. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice.

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.

4. The applicant is referred to working within the law in terms of the Protection of Badgers Act 1992. If the Badger sett remains inactive then closure without a licence will be fine, if the further soft closure survey indicates that the sett is actually now active again the applicant will need to apply for a licence to Natural England to close the sett.

5. The applicant is reminded that the property will not benefit from inclusion with the Barrack Lane Residents Permit Scheme.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 14/01401/PFUL3 (PP-02932208)

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.

My Ref: 14/01402/PFUL3 (PP-03459758)
Your Ref:
Contact: Mrs Nicola Tyrrell
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Signet Planning Ltd
Mr Jim Ramsay
Rowe House
10 East Parade
Harrogate
North Yorkshire
HG1 5LT

Date of decision:

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

Application No: 14/01402/PFUL3 (PP-03459758)
Application by: Walker & Sons (Hauliers) Ltd
Location: Rocky Mount, Barrack Lane, Nottingham
Proposal: Demolition of building.

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 demolition authorised by this permission shall not be carried out before:
 - a) a contract for the carrying out of the works for redevelopment of the site has been entered into and a copy produced to the City Council and;
 - b) planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure the retention of the building if the development does not take place in accordance with Policy BE13 of the Local Plan.

Pre-occupation conditions

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

There are no conditions in this section.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

There are no conditions in this section.

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 20 June 2014.

Reason: To determine the scope of this permission.

Informatives

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.

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